

**CHAPTER 1118****SCHOOL FINANCE — USE OF  
PHYSICAL PLANT AND EQUIPMENT LEVY MONEYS***S.F. 2228*

**AN ACT** relating to utilization of school district moneys for physical plant and equipment levy purposes.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 298.3, subsection 3, Code 2001, is amended to read as follows:

3. The purchase of buildings and the purchase, ~~lease, or lease-purchase~~ of a single unit of equipment or a technology system exceeding one thousand five hundred dollars in value.

Approved April 22, 2002

**CHAPTER 1119****SUBSTANTIVE CODE CORRECTIONS***S.F. 2275*

**AN ACT** relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and including effective and retroactive applicability date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

**DIVISION I**

Section 1. Section 7A.20, subsection 1, Code Supplement 2001, is amended by striking the subsection.

Sec. 2. Section 9E.15, Code Supplement 2001, is amended to read as follows:  
9E.15 SHORT FORMS.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 9E.14, subsection 1.

1. For an acknowledgment in an individual capacity:

State of .....

(County) of .....

This instrument was acknowledged before me on

..... by .....

(date) (name(s) of person(s))

.....

(signature of notarial officer)

(Stamp or Seal)

.....

Title (and Rank)

[My commission expires:—.]

2. For an acknowledgment in a representative capacity:

State of .....

(County) of .....

This instrument was acknowledged before me on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed).

.....

(signature of notarial officer)

(Stamp or Seal)

.....

Title (and Rank)

[My commission expires: —.]

3. For a verification upon oath or affirmation:

State of .....

(County) of .....

Signed and sworn to (or affirmed) before me on

..... by .....

(date) (name(s) of person(s)  
making statement)

.....

(signature of notarial officer)

(Stamp or Seal)

.....

Title (and Rank)

[My commission expires: —.]

4. For witnessing or attesting a signature:

State of .....

(County) of .....

Signed or attested before me on

..... by .....

(date) (name(s) of person(s))

.....

(signature of notarial officer)

(Stamp or Seal)

.....

Title (and Rank)

[My commission expires: —.]

5. For attestation of a copy of a document:

State of .....

(County) of .....

I certify that this is a true and correct copy of a document in the possession of .....

Dated .....

.....

(signature of notarial officer)

(Stamp or Seal)

.....

Title (and Rank)

[My commission expires: —.]

Sec. 3. Section 12.72, subsection 4, paragraph d, Code Supplement 2001, is amended to read as follows:

d. To assure the continued solvency of any bonds secured by the bond reserve fund, provision is made in paragraph "a" for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure mainte-

nance of the bond reserve funds, the treasurer shall, on or before January 1 of each calendar year, make and deliver to the governor the treasurer's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer pursuant to this subsection shall be deposited by the ~~authority~~ treasurer in the applicable bond reserve fund.

Sec. 4. Section 12.82, subsection 4, paragraph d, Code Supplement 2001, is amended to read as follows:

d. To assure the continued solvency of any bonds secured by the bond reserve fund, provision is made in paragraph "a" for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the treasurer shall, on or before January 1 of each calendar year, make and deliver to the governor the treasurer's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer pursuant to this subsection shall be deposited by the ~~authority~~ treasurer in the applicable bond reserve fund.

Sec. 5. Section 15.333, subsections 1 and 2, Code Supplement 2001, are amended to read as follows:

1. An eligible business may claim a corporate tax credit up to a maximum of ten percent of the new investment which is directly related to new jobs created by the location or expansion of an eligible business under the program. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs earlier. Subject to prior approval by the department of economic development in consultation with the department of revenue and finance, an eligible business whose project primarily involves the production of value-added agricultural products may elect to receive a refund of all or a portion of an unused tax credit. For purposes of this section, an eligible business includes a cooperative described in section 521 of the Internal Revenue Code which is not required to file an Iowa corporate income tax return, and whose project primarily involves the production of ethanol. The refund may be used against a tax liability imposed under chapter 422, division II, III, or V. If the business is a partnership, ~~subchapter~~ S corporation, limited liability company, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, ~~subchapter~~ S corporation, limited liability company, or estate or trust. For purposes of this section, "new investment directly related to new jobs created by the location or expansion of an eligible business under the program" means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, and the cost of improvements made to real property which is used in the operation of the eligible business.

2. An eligible business whose project primarily involves the production of value-added agricultural products, that elects to receive a refund of all or a portion of an unused tax credit, shall apply to the department of economic development for tax credit certificates. An eligible business whose project primarily involves the production of value-added agricultural products shall not claim a tax credit under this section unless a tax credit certificate issued by the depart-

ment of economic development is attached to the taxpayer's tax return for the tax year ~~during~~ for which the tax credit is claimed. For purposes of this section, an eligible business includes a cooperative described in section 521 of the Internal Revenue Code which is not required to file an Iowa corporate income tax return, and whose project primarily involves the production of ethanol. A tax credit certificate shall not be valid until the tax year following the date of the project completion. A tax credit certificate shall contain the taxpayer's name, address, tax identification number, the date of project completion, the amount of the tax credit, other information required by the department of revenue and finance. The department of economic development shall not issue tax credit certificates which total more than four million dollars during a fiscal year. If the department receives applications for tax credit certificates in excess of four million dollars, the applicants shall receive certificates for a prorated amount. The tax credit certificates shall not be transferred. For a cooperative described in section 521 of the Internal Revenue Code that is not required to file an Iowa corporate income tax return, the department of economic development shall require that the cooperative submit a list of its members and the share of each member's interest in the cooperative. The department shall issue a tax credit certificate to each member contained on the submitted list.<sup>4</sup>

Sec. 6. NEW SECTION. 15E.1 DEFINITION.

As used in this chapter, unless the context otherwise requires, "department" means the Iowa department of economic development.

Sec. 7. Section 15E.193C, subsection 7, paragraph c, Code Supplement 2001, is amended to read as follows:

c. The county or city for which an eligible enterprise zone is certified may exempt from all property taxation all or a portion of the value added to the property upon which an eligible development business constructs, expands, or rehabilitates property in an enterprise zone. The amount of value added for purposes of this paragraph shall be the amount of the increase in assessed valuation of the property following the construction, expansion, or rehabilitation by the development business in the enterprise zone. If an exemption provided pursuant to this paragraph is made applicable to only a portion of the property within an enterprise zone, the definition of that subset of eligible property must be by uniform criteria that further some planning objective established by the city or county enterprise zone commission and approved by the city or county. The exemption may be allowed for a period not to exceed ten years beginning the year the eligible development business enters into an agreement with the county or city to construct, expand, or rehabilitate property in an enterprise zone.

Sec. 8. Section 84A.4, subsection 3, Code Supplement 2001, is amended to read as follows:

3. Section 84A.1A, subsections 2, 3, and 5, apply to the members of a regional advisory board except that the board shall meet if a majority of the members of the board, ~~and not five,~~ file a written request with the chairperson for a meeting. Members of a regional advisory board shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid from appropriations for those purposes and the department of workforce development is subject to the budget requirements of chapter 8.

Sec. 9. Section 85A.20, Code Supplement 2001, is amended to read as follows:

85A.20 INVESTIGATION.

The workers' compensation commissioner may designate the industrial hygiene physician of the Iowa department of public health and two physicians selected by the dean of the university of Iowa college of medicine, from the staff of the college, who shall be qualified to diagnose and report on occupational diseases. For the purpose of investigating occupational diseases, the physicians shall have the use, without charge, of all necessary laboratory and other facilities of the university of Iowa college of medicine and of the university hospital at the state university of Iowa, and of the Iowa department of public health in performing its the physicians' duties.

<sup>4</sup> See 2002 Iowa Acts, Second Extraordinary Session, chapter 1001, §47, 49, 52 herein

Sec. 10. Section 88.5, subsection 7, Code Supplement 2001, is amended to read as follows:

7. SPECIAL VARIANCE. Where there are conflicts with standards, rules, or regulations promulgated by any federal agency other than the United States department of labor, special variances from standards, rules, or regulations promulgated under this chapter may be granted to avoid such regulatory conflicts. Such variances shall take into consideration the safety of the employees involved. Notwithstanding any other provision of this chapter, and with respect to this ~~paragraph~~ subsection, any employer seeking relief under this provision must file an application with the commissioner and the commissioner shall forthwith hold a hearing at which employees or other interested persons, including representatives of the federal regulatory agencies involved, may appear and, upon the showing that such a conflict indeed exists, the commissioner may issue a special variance until the conflict is resolved.

Sec. 11. Section 123.14, subsection 2, Code 2001, is amended to read as follows:

2. The other law enforcement divisions of the department of public safety, the county attorney, the county sheriff and the sheriff's deputies, and the police department of every city, and the alcoholic beverages division of the department of inspections and appeals commerce, shall be supplementary aids to the division of beer and liquor law enforcement. Any neglect, misfeasance, or malfeasance shown by any peace officer included in this section shall be sufficient cause for the peace officer's removal as provided by law. Nothing in this section shall be construed to affect the duties and responsibilities of any county attorney or peace officer with respect to law enforcement.

Sec. 12. Section 124C.1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

As used in this section chapter, unless the context clearly requires otherwise:

Sec. 13. Section 135.63, subsection 4, Code 2001, is amended by striking the subsection.<sup>5</sup>

Sec. 14. Section 135.78, Code 2001, is amended to read as follows:

135.78 DATA TO BE COMPILED.

~~Immediately upon July 1, 1978, or as soon thereafter as reasonably possible, the~~ The department shall ~~begin to~~ compile all relevant financial and utilization data in order to have available the statistical information necessary to properly monitor hospital and health care facility charges and costs. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The department shall also obtain from each hospital and health care facility a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require. In collection of the data required by sections 135.74 to 135.78, the department and other state agencies shall co-ordinate their reporting requirements.

Sec. 15. Section 154.6, Code Supplement 2001, is amended to read as follows:

154.6 EXPIRATION AND RENEWAL OF LICENSES.

Every license to practice optometry shall expire in multiyear intervals as determined by the board. Application for renewal of such license shall be made in writing to the Iowa department of public health at least thirty days prior to the expiration date, accompanied by the required renewal fee, and ~~the licensee shall submit~~ accompanied by evidence of the licensee's attendance of continuing education programs in this field.

Sec. 16. Section 154A.9, Code Supplement 2001, is amended to read as follows:

154A.9 APPLICATIONS.

Applications for licensure or for a temporary permit shall be on forms prescribed and furnished by the board and shall not require that a ~~recent~~ photograph of the applicant be attached

<sup>5</sup> See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §246, 262 herein

to the application form. An applicant shall not be ineligible for certification because of age, citizenship, sex, race, religion, marital status or national origin although the application may require citizenship information. The board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of fitting or selection and sale of hearing aids. Character references may be required, but shall not be obtained from licensed hearing aid dispensers.

Sec. 17. Section 154A.20, subsection 3, Code Supplement 2001, is amended to read as follows:

3. Whenever any of the following conditions are found to exist either from observations by the licensed hearing aid dispenser or person holding a temporary permit or on the basis of information furnished by a prospective hearing aid user, the hearing aid dispenser or person holding a temporary permit shall, prior to fitting and selling a hearing aid to any individual, suggest to that individual in writing that the individual's best interests would be served if the individual would consult a licensed physician specializing in diseases of the ear, or if no such licensed physician is available in the community, then to a duly licensed physician:

- a. Visible congenital or traumatic deformity of the ear.
- b. History of, or active drainage from the ear within the previous ninety days.
- c. History of sudden or rapidly progressive hearing loss within the previous ninety days.
- d. Acute or chronic dizziness.
- e. Unilateral hearing loss of sudden or recent onset within the previous ninety days.
- f. Significant air-bone gap (greater than or equal to 15dB ANSI 500, 1000 and 2000 Hz. average).
- g. Obstruction of the ear canal, either by structures of undetermined origin, such as foreign bodies, impacted cerumen, redness, swelling, or tenderness from localized infections of the otherwise normal ear canal.

Sec. 18. Section 154A.20, subsection 5, Code Supplement 2001, is amended to read as follows:

5. No hearing aid shall be sold by any individual licensed under this bill ~~chapter~~ to a person twelve years of age or younger, unless within the preceding six months a recommendation for a hearing aid has been made by a physician specializing in otolaryngology. A replacement of an identical hearing aid within one year shall be an exception to this requirement.

Sec. 19. Section 154A.23, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Any person wishing to make a complaint against a licensee or holder of a temporary permit shall file a written statement with the board within twelve months from the date of the action upon which the complaint is based. If the board determines that the complaint alleges facts which, if proven, would be cause for the suspension or revocation of the license of the licensee or the permit of the holder of a temporary permit, it shall make an order fixing a time and place for a hearing and requiring the licensee or holder of a temporary permit complained against to appear and defend. The order shall contain a copy of the complaint, and the order and copy of the complaint shall be served upon the licensee or holder of a temporary permit at least twenty days before the date set for hearing, either personally or as provided in section 154A.21. Continuance or adjournment of a hearing date may be made for good cause. At the hearing the licensee or holder of a temporary permit may be represented by counsel. The licensee or holder of a temporary permit and the board may take depositions in advance of hearing and after service of the complaint, and either may compel the attendance of witnesses by subpoenas issued by the board. The board shall issue such subpoenas at the request of a licensee or holder of a temporary permit. Either party taking depositions shall give at least five days' written notice to the other party of the time and place of such depositions, and the other party may attend, with counsel, if desired, and cross-examine.

Sec. 20. Section 161B.1, subsection 2, Code 2001, is amended by striking the subsection.

Sec. 21. Section 163.6, subsection 1, paragraph a, Code Supplement 2001, is amended to read as follows:

a. "Department" means the department of agriculture and land stewardship or unless the United States department of agriculture is otherwise specified.

Sec. 22. Section 163.51, subsection 4, paragraph b, Code Supplement 2001, is amended to read as follows:

b. Upon the request of the executive council, the department shall develop and submit a plan to the executive council that compensates an owner of for property, other than an animal, that is inadvertently destroyed by the department as a result of the department's regulation of activities in a quarantined area. The plan shall not be implemented without the approval of at least three members of the executive council. The payment of the compensation under the plan shall be made in the same manner as provided in section 163.15. The owner may submit a claim for compensation prior to the plan's implementation. The executive council may apply the plan retroactively, but not earlier than June 1, 2001.

Sec. 23. Section 165A.4, Code Supplement 2001, is amended to read as follows:  
165A.4 INFECTED CATTLE.

The owner of infected cattle shall mark the cattle by punching the letter "C" through the right ears of the cattle as required by the department. A person shall not sell infected cattle other than directly to a slaughtering establishment, or to a concentration point for sale directly to a slaughtering establishment, for immediate slaughter. Cattle marked with a letter "C" that are kept at a concentration point must shall be kept separate and apart.

Sec. 24. Section 169A.13, Code Supplement 2001, is amended to read as follows:  
169A.13 RENEWAL OF BRAND AND FEE.

Each owner of a brand which is recorded pursuant to section 169A.4 shall renew the brand ~~each fifth year~~ every five years after originally recording the brand and pay a renewal fee. The amount of the renewal fee is twenty-five dollars. The secretary shall notify every owner of a brand of record at least thirty days prior to the date of the renewal period. If the owner of a brand of record does not renew the brand and pay the renewal fee within six months after it is due, the owner shall forfeit the brand and the brand shall no longer be recorded. A forfeited brand shall not be issued to any other person for five years following date of forfeiture.

Sec. 25. Section 173.1A, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

As used in this section chapter, unless the context otherwise requires:

Sec. 26. Section 175A.2, subsection 4, Code Supplement 2001, is amended to read as follows:

4. Members are not entitled to receive compensation or reimbursement of expenses from the department ~~as otherwise provided~~ notwithstanding anything to the contrary in section 7E.6.

Sec. 27. Section 175A.3, subsection 2, paragraph e, Code Supplement 2001, is amended to read as follows:

e. ~~Approve~~ Propose rules ~~proposed for adoption~~ by the department ~~for adoption~~ pursuant to chapter 17A required for the administration of this chapter.

Sec. 28. Section 216B.4, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The ~~administrator~~ director may accept financial aid from the government of the United States for carrying out rehabilitation and physical restoration of the blind and for providing library services to persons who are blind and persons with physical disabilities.

Sec. 29. Section 225.12, Code 2001, is amended to read as follows:

225.12 VOLUNTARY PUBLIC PATIENT — PHYSICIAN'S REPORT.

A physician filing an information under section 225.10 shall include a written report to the judge, giving such a history of the case as will be likely to aid in the observation, treatment, and hospital care of the person named in the information and describing the same in detail.

Sec. 30. Section 225.30, Code Supplement 2001, is amended to read as follows:

225.30 BLANKS — AUDIT.

The medical faculty of the university of Iowa college of medicine shall prepare blanks containing such questions and requiring such information as may be necessary and proper to be obtained by the physician who examines a person or respondent whose referral to the state psychiatric hospital is contemplated. A judge may request that a physician who examines a respondent as required by section 229.10 complete such blanks in duplicate in the course of the examination. A physician who proposes to file an information under section 225.10 shall obtain and complete such blanks in duplicate and file them with the information. The blanks shall be printed by the state and a supply thereof shall be sent to the clerk of each district court of the state. The director of revenue and finance shall audit, allow, and pay the cost of the blanks as other bills for public printing are allowed and paid.

Sec. 31. Section 225B.7, subsection 2, Code Supplement 2001, is amended by striking the subsection.

Sec. 32. Section 229.14, subsection 2, paragraph d, Code Supplement 2001, is amended to read as follows:

d. If the court orders treatment of the respondent on an outpatient or other appropriate basis as described in the chief medical officer's report pursuant to subsection 1, paragraph "c", the order shall provide that, should the respondent fail or refuse to submit to treatment in accordance with the court's order, the court may order that the respondent be taken into immediate custody as provided by section 229.11 and, following notice and hearing held in accordance with the procedures of section 229.12, may order the respondent treated as on an inpatient basis requiring full-time custody, care, and treatment in a hospital until such time as the chief medical officer reports that the respondent does not require further treatment for serious mental impairment or has indicated the respondent is willing to submit to treatment on another basis as ordered by the court. If a patient is transferred for treatment to another provider under this paragraph, the treatment provider who will be providing the outpatient or other appropriate treatment shall be provided with copies of relevant court orders by the former treatment provider.

Sec. 33. Section 233.1, subsection 2, paragraph a, Code Supplement 2001, is amended to read as follows:

a. "Institutional health facility" means a hospital as defined in section 135B.1, including a facility providing medical or health services that is open twenty-four hours per day, seven days per week and is a hospital emergency room, or a health care facility as defined in section 135C.1.

Sec. 34. Section 233.6, subsection 2, Code Supplement 2001, is amended to read as follows:

2. Educational materials, public information announcements, and other resources to develop awareness of the availability of the newborn safe haven Act, among adolescents, young parents, and others who might avail themselves of ~~the Act~~ this chapter.

Sec. 35. Section 235B.16, subsection 5, paragraph e, Code Supplement 2001, is amended to read as follows:

e. A person required to complete both child abuse and dependent adult abuse mandatory reporter training may complete the training through a program which combines child abuse and dependent adult abuse curricula and thereby meet the training requirements of both this



subsection and section 232.69 simultaneously. A person who is a mandatory reporter for both child abuse and dependent adult abuse may satisfy the combined training requirements of this subsection and section 232.69 through completion of a two-hour training program, if the training program curriculum is approved by the appropriate licensing or examining board or the abuse education review panel established by the director of public health pursuant to section 135.11.

Sec. 36. Section 236.3, unnumbered paragraph 2, Code Supplement 2001, is amended to read as follows:

The filing fee and court costs for an order for protection under this chapter shall be waived for the plaintiff. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the ~~petitioner~~ plaintiff. When an order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the ~~plaintiff's filing fees for the filing of the petition~~ and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs.

Sec. 37. Section 263A.2, Code 2001, is amended to read as follows:

263A.2 LEGISLATIVE APPROVAL BEFORE ACTING HEREUNDER AUTHORIZATION OF GENERAL ASSEMBLY AND GOVERNOR.

Subject to and in accordance with the provisions of this chapter, the state board of regents after authorization by a constitutional majority of the general assembly and approval by the governor may undertake and carry out any project as defined in this chapter at the state university of Iowa. The state board of regents is authorized to operate, control, maintain, and manage buildings and facilities and additions to such buildings and facilities at said institution. All contracts for the construction, reconstruction, completion, equipment, improvement, repair, or remodeling of any buildings, additions, or facilities shall be let in accordance with the provisions of section 262.34. The title to all real estate acquired under the provisions of this chapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa.

Sec. 38. Section 294A.14, unnumbered paragraph 12, Code Supplement 2001, is amended to read as follows:

For purposes of this section, "comprehensive school transformation" means activities which focus on the improvement of student achievement and the attainment of student achievement goals under section 256.7, subsection 21, and section 280.12. A comprehensive school transformation plan submitted by a school district shall demonstrate the manner in which the components of the plan are integrated with a school's student achievement goals. Components of the plan may include, but are not limited to, providing salary increases to teachers who implement site-based shared decision making, building-based goal-oriented compensation mechanism, or approved innovative educational programs; who focus on student outcomes; who direct accountability for student achievement or accountability for organizational success; and who work to foster relationships between a school and businesses or public agencies which provide health and social services.

Sec. 39. Section 303.2, subsection 2, paragraph k, Code Supplement 2001, is amended to read as follows:

k. Administer, preserve, and interpret the battle flag collection assembled by the state in consultation and coordination with the ~~department~~ commission of veterans affairs and the department of general services. A portion of the battle flag collection shall be on display at the state capitol and the state historical building at all times, unless on loan approved by the department of cultural affairs.

Sec. 40. Section 309.1, Code 2001, is amended by adding the following new subsections: NEW SUBSECTION. 1A. "Bridge" includes any structure including supports, erected over a depression or an obstruction, such as water, a highway, or railway. A bridge has a track or passageway for carrying traffic or other moving loads and has an opening measured along the

center of the roadway of more than twenty feet. The measurement shall be between the inside faces of abutments, the inside faces of the exterior walls of multiple box culverts, the spring lines of arches, and the horizontal measurement of circular or elliptical structures.

a. The length of a bridge is the overall measurement from back to back of backwalls and abutments measured along the center of the roadway.

b. Multiple pipes, where the distance between openings is less than half the smaller contiguous opening, may be included as a bridge, provided the pipes meet the other definitional requirements for bridges in this subsection.

**NEW SUBSECTION. 1B.** "Culvert" includes any structure not classified as a bridge which provides an opening under any roadway, except that this term does not include tile crossing the road, or intakes thereto, where the tile are a part of a tile line or system designed to aid subsurface drainage.

Sec. 41. Section 309.41, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Contracts not embraced within the provisions of section 309.40 ~~or 309.40A~~ shall be either advertised and let at a public letting; or, where the cost does not exceed the engineer's estimate, let through informal bid procedure by contacting at least three qualified bidders prior to letting the contract. The informal bids received together with a statement setting forth the reasons for use of the informal procedure and bid acceptance shall be entered in the minutes of the board of supervisors meeting at which such action was taken.

Sec. 42. Section 321.34, subsection 12A, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

An owner of a vehicle referred to in subsection 12 who applies for any type of special registration plates associated with service in the United States armed forces shall be issued one set of the special registration plates at no charge, but shall be subject to the annual registration fee of fifteen dollars, if all of the following conditions are met:

Sec. 43. Section 321.45, subsection 4, Code Supplement 2001, is amended to read as follows:

4. After acquiring a used mobile home or manufactured home to be titled in Iowa, a ~~manufacturer or mobile home dealer~~ retailer, as defined in section 322B.2, shall within thirty days apply for and obtain from the county treasurer of the ~~dealer's~~ retailer's county of residence a new certificate of title for the mobile home or manufactured home. In the event that there is a prior lien or encumbrance to be released, as required by section 321.50, subsection 4, the thirty-day time period in this subsection does not begin to run until the lien or encumbrance is released.

Sec. 44. Section 321.46, subsection 2, Code Supplement 2001, is amended to read as follows:

2. Upon filing the application for a new registration and a new title, the applicant shall pay a title fee of ten dollars and a registration fee prorated for the remaining unexpired months of the registration year. A manufacturer applying for a certificate of title pursuant to section 322G.12 shall pay a title fee of two dollars. However, a title fee shall not be charged to a ~~manufacturer or mobile~~ home retailer applying for a certificate of title for a used mobile home or manufactured home, titled in Iowa, as required under section 321.45, subsection 4. The county treasurer, if satisfied of the genuineness and regularity of the application, and in the case of a mobile home or manufactured home, that taxes are not owing under chapter 435, and that applicant has complied with all the requirements of this chapter, shall issue a new certificate of title and, except for a mobile home, manufactured home, or a vehicle returned to and accepted by a manufacturer as described in section 322G.12, a registration card to the purchaser or transferee, shall cancel the prior registration for the vehicle, and shall forward the necessary copies to the department on the date of issuance, as prescribed in section 321.24. Mobile homes or manufactured homes titled under chapter 448 that have been subject under section

446.18 to a public bidder sale in a county shall be titled in the county's name, with no fee, and the county treasurer shall issue the title.

Sec. 45. Section 321.49, subsection 3, Code Supplement 2001, is amended to read as follows:

3. A manufactured or mobile home retailer who acquires a used mobile home or manufactured home, titled in Iowa, and who does not apply for and obtain a certificate of title from the county treasurer of the manufactured or mobile home retailer's county of residence within thirty days of the date of acquisition, as required under section 321.45, subsection 4, is subject to a penalty of ten dollars. A certificate of title shall not be issued to the manufactured or mobile home retailer until the penalty is paid.

Sec. 46. Section 321.56, subsection 1, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

The operator of a commercial motor vehicle which is not registered within the state as required pursuant to this chapter or chapter 326 or which does not have an interstate fuel permit, as required under chapter 452A, may enter the state and travel to a commercial vehicle dealer or repair facility and exit the state under if all of the following circumstances apply:

Sec. 47. Section 321.57, subsections 1, 2, 4, and 5, Code Supplement 2001, are amended to read as follows:

1. A ~~manufactured home retailer~~ dealer owning any vehicle of a type otherwise required to be registered under this chapter may operate or move the vehicle upon the highways solely for purposes of transporting, testing, demonstrating, or selling the vehicle without registering the vehicle, upon condition that the vehicle display in the manner prescribed in sections 321.37 and 321.38 a special plate issued to the owner as provided in sections 321.58 to 321.62. Additionally, a new car dealer or a used car dealer may operate or move upon the highways a new or used car or trailer owned by the dealer for either private or business purposes without registering it if the new or used car or trailer is in the dealer's inventory and is continuously offered for sale at retail, and there is displayed on it a special plate issued to the dealer as provided in sections 321.58 to 321.62.

2. In addition, while a service customer is having the customer's own vehicle serviced or repaired by the ~~manufactured home retailer~~ dealer, the service customer of the ~~manufactured home retailer~~ dealer may operate upon the highways a motor vehicle owned by the ~~manufactured home retailer~~ dealer, except a motor truck or truck tractor, upon which there is displayed a special plate issued to the ~~manufactured home retailer~~ dealer, provided all of the requirements of this section are complied with.

4. The provisions of this section and sections 321.58 to 321.62, shall not apply to any vehicles offered for hire, work or service vehicles owned by a transporter or ~~manufactured home retailer~~ dealer.

5. Manufactured or mobile home retailers licensed under chapter 322B may transport and deliver mobile homes or manufactured homes in their inventory upon the highways of this state with a special plate displayed on the mobile home or manufactured home as provided in sections 321.58 to 321.62.

Sec. 48. Section 321.58, Code Supplement 2001, is amended to read as follows:

321.58 APPLICATION.

All ~~manufactured home retailers~~ dealers, transporters, new motor vehicle wholesalers licensed under chapter 322, and manufactured or mobile home retailers licensed under chapter 322B, upon payment of a fee of seventy dollars for two years, one hundred forty dollars for four years, or two hundred ten dollars for six years, may make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more special plates as appropriate to various types of vehicles subject to registration. The applicant shall also submit proof of the applicant's status as a bona fide transporter, new motor vehicle wholesaler licensed under chapter 322, manufactured or mobile home retailer licensed

under chapter 322B, or ~~manufactured home retailer~~ dealer, as reasonably required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of the vehicles authorizing the dealership.

Sec. 49. Section 321.104, subsection 6, Code Supplement 2001, is amended to read as follows:

6. For a ~~dealer~~ manufacturer or mobile home retailer to sell or transfer a mobile home or manufactured home without delivering to the purchaser or transferee a certificate of title or a manufacturer's or importer's certificate properly assigned to the purchaser, or to transfer a mobile home or manufactured home without disclosing to the purchaser the owner of the mobile home or manufactured home in a manner prescribed by the department pursuant to rules, ~~or to fail to certify within seven days to the proper county treasurer the information required under section 321.45, subsection 4, or to fail to apply for and obtain a certificate of title for a used mobile home or manufactured home, titled in Iowa, acquired by the dealer~~ manufacturer or mobile home retailer within thirty days from the date of acquisition as required under section 321.45, subsection 4.

Sec. 50. Section 321.445, subsection 2, unnumbered paragraph 3, Code Supplement 2001, is amended by striking the unnumbered paragraph.

Sec. 51. Section 336.16, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

A city may withdraw from the library district upon a majority vote in favor of withdrawal by the electorate of the city in an election held on a motion by the city council. The election shall be held simultaneously with a general or city election. Notice of a favorable vote to withdraw shall be sent by certified mail to the board of library trustees of the library district and the county auditor or city auditor clerk, as appropriate, prior to January 10, and the withdrawal shall be effective on July 1.

Sec. 52. Section 384.84A, subsection 2, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

If, before the date fixed for taking action to authorize the issuance of revenue bonds for the storm water drainage construction project, a petition signed by eligible electors residing within the city equal in number to at least three percent of the registered voters of the city ~~is filed~~, asking that the question of issuing revenue bonds for the storm water drainage construction project be submitted to the registered voters of the city, the council, by resolution, shall declare the project abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds for the storm water drainage construction project if the cost of the project and population of the city meet one of the following criteria:

Sec. 53. Section 422A.2, subsection 4, paragraph f, unnumbered paragraph 2, Code Supplement 2001, is amended to read as follows:

If at any time before the date fixed for taking action for the issuance of the bonds, a petition signed by eligible electors residing in the city or the unincorporated area equal in number to at least three percent of the registered voters of the city or unincorporated area ~~is filed~~, asking that the question of issuing the bonds be submitted to the registered voters of the city or unincorporated area, the council or board of supervisors acting on behalf of an unincorporated area shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds.

Sec. 54. Section 426.6, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

The agricultural land tax credit allowed each year shall be computed as follows: On or before April 1, the county auditor shall list by school districts all tracts of agricultural lands which

they are entitled to credit, together with the taxable value for the previous year, together with the budget from each school district for the previous year, and the tax rate determined for the general fund of the district in the manner prescribed in section 444.3 for the previous year, and if such tax rate is in excess of five dollars and forty cents per thousand dollars of assessed value, the auditor shall multiply the tax levy which is in excess of five dollars and forty cents per thousand dollars of assessed value by the total taxable value of the agricultural lands entitled to credit in the district, and on or before April 1, certify the amount to the department of revenue and finance.

Sec. 55. Section 427.1, subsection 14, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

A society or organization claiming an exemption under subsection 5, ~~or subsection 8, or 33~~ shall file with the assessor not later than February 1 a statement upon forms to be prescribed by the director of revenue and finance, describing the nature of the property upon which the exemption is claimed and setting out in detail any uses and income from the property derived from the rentals, leases, or other uses of the property not solely for the appropriate objects of the society or organization. Upon the filing and allowance of the claim, the claim shall be allowed on the property for successive years without further filing as long as the property is used for the purposes specified in the original claim for exemption. When the property is sold or transferred, the county recorder shall provide notice of the transfer to the assessor. The notice shall describe the property transferred and the name of the person to whom title to the property is transferred.

Sec. 56. Section 427.1, subsection 16, Code Supplement 2001, is amended to read as follows:

16. REVOKING OR MODIFYING EXEMPTION. Any taxpayer or any taxing district may make application to the director of revenue and finance for revocation or modification ~~for~~ of any exemption, based upon alleged violations of this chapter. The director of revenue and finance may also on the director's own motion set aside or modify any exemption which has been granted upon property for which exemption is claimed under this chapter. The director of revenue and finance shall give notice by mail to the taxpayer or taxing district applicant and to the societies or organizations claiming an exemption upon property, exemption of which is questioned before or by the director of revenue and finance, and shall hold a hearing prior to issuing any order for revocation or modification. An order made by the director of revenue and finance revoking or modifying an exemption shall be applicable to the tax year commencing with the tax year in which the application is made to the director or the tax year commencing with the tax year in which the director's own motion is filed. An order made by the director of revenue and finance revoking or modifying an exemption is subject to judicial review in accordance with chapter 17A, the Iowa administrative procedure Act. Notwithstanding the terms of ~~that Act~~ chapter 17A, petitions for judicial review may be filed in the district court having jurisdiction in the county in which the property is located, and must be filed within thirty days after any order revoking or modifying an exemption is made by the director of revenue and finance.

Sec. 57. Section 435.27, subsection 1, Code Supplement 2001, is amended to read as follows:

1. A mobile home or manufactured home converted to real estate under section 435.26 may be reconverted to a home as provided in this section when it is moved to a manufactured home community or mobile home park or a manufactured ~~or mobile~~ home retailer's inventory. When the home is located within a manufactured home community or mobile home park, the home shall be taxed pursuant to section 435.22, subsection 1.

Sec. 58. Section 437A.3, subsection 17, paragraph d, Code Supplement 2001, is amended to read as follows:

d. Any property described in section 437A.16 in this state acquired by a person not previously subject to taxation under this chapter.

Sec. 59. Section 453A.42, subsection 14, Code 2001, is amended to read as follows:

14. "Tobacco products" means cigars; little cigars as defined herein; cheroots; stogies; pe-riques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings ~~to~~ of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but shall not include cigarettes as defined in section 453A.1, subsection 3.

Sec. 60. Section 455B.473, subsection 8, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

It shall be unlawful to deposit or accept a regulated substance in an underground storage tank which has not been registered and issued permanent and annual tank management fee renewal tags pursuant to subsections 1 through 6. ~~It shall also be unlawful to~~ A person shall not deposit a regulated substance in an underground storage tank after receiving notice from the department that the underground storage tank is not covered by an approved form of financial responsibility in accordance with section 455B.474, subsection 2.

Sec. 61. Section 455B.484, subsections 10, 12, and 13, Code Supplement 2001, are amended by striking the subsections.

Sec. 62. Section 476.27, subsection 1, paragraph g, subparagraph (2), Code Supplement 2001, is amended to read as follows:

(2) A right-of-way or other interest in real estate that is occupied or managed by or on behalf of a railroad corporation, the trustees of a railroad corporation, or the successor in interest ~~or~~ of a railroad corporation, including an abandoned railroad right-of-way that has not otherwise reverted pursuant to chapter 327G.

Sec. 63. Section 483A.7, subsection 3, Code Supplement 2001, is amended to read as follows:

3. A nonresident wild turkey hunter is required to have a nonresident hunting license and a nonresident wild turkey hunting license and pay the wildlife habitat fee. The commission shall annually limit to two thousand three hundred licenses the number of nonresidents allowed to have wild turkey hunting licenses. Of the two thousand three hundred licenses, one hundred fifty licenses shall be valid for hunting with muzzle loading shotguns only. ~~The number of nonresident wild turkey hunting licenses shall be determined as provided in section 481A.38.~~ The commission shall allocate the nonresident wild turkey hunting licenses issued among the zones based on the populations of wild turkey. A nonresident applying for a wild turkey hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

Sec. 64. Section 483A.8, subsections 3 and 5, Code Supplement 2001, are amended to read as follows:

3. A nonresident hunting deer is required to have a nonresident hunting license and a nonresident deer license and must pay the wildlife habitat fee. The commission shall annually limit to eight thousand five hundred licenses the number of nonresidents allowed to have deer hunting licenses. Of the first six thousand nonresident deer licenses issued, not more than thirty-five percent of the licenses shall be bow season licenses and, after the first six thousand nonresident deer licenses have been issued, all additional licenses shall be issued for antlerless deer only. ~~The number of nonresident deer hunting licenses shall be determined as provided in section 481A.38.~~ The commission shall allocate the nonresident deer hunting licenses issued among the zones based on the populations of deer. However, a nonresident applicant may request one or more hunting zones, in order of preference, in which the applicant wishes to hunt. If the request cannot be fulfilled, the applicable fees shall be returned to the applicant.

A nonresident applying for a deer hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

5. A nonresident owning land in this state may apply for one of the first six thousand nonresident deer licenses not limited to antlerless deer, and the provisions of subsection 3 shall apply. However, if a nonresident owning land in this state is unsuccessful in ~~the drawing~~ obtaining one of the first six thousand nonresident deer licenses, the landowner shall be given preference for one of the two thousand five hundred antlerless only nonresident deer licenses. A nonresident owning land in this state shall pay the fee for a nonresident antlerless only deer license and the license shall be valid to hunt on the nonresident's land only. A nonresident owning land in this state is eligible for only one nonresident deer license annually. If one or more parcels of land have multiple nonresident owners, only one of the nonresident owners is eligible for a nonresident antlerless only deer license. If a nonresident jointly owns land in this state with a resident, the nonresident shall not be given preference for a nonresident antlerless only deer license. The department may require proof of land ownership from a nonresident landowner applying for a nonresident antlerless only deer license.

Sec. 65. Section 513C.5, subsection 2, Code Supplement 2001, is amended to read as follows:

2. Notwithstanding subsection 1, the commissioner, with the concurrence of the board of the Iowa individual health benefit reinsurance association established under chapter 514E, may by order reduce or eliminate the allowed rating bands provided under subsection 1, paragraphs "a", "b", "c", and "e", or otherwise limit or eliminate the use of experience rating.

Sec. 66. Section 513C.10, subsection 2, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Rates for basic and standard coverages as provided in this chapter shall be determined by each carrier or organized delivery system as the product of a basic and standard factor and the lowest rate available for issuance by that carrier or organized delivery system adjusted for rating characteristics and benefits. Basic and standard factors shall be established annually by the Iowa individual health benefit reinsurance comprehensive health insurance association board with the approval of the commissioner. Multiple basic and standard factors for a distinct grouping of basic and standard policies may be established. A basic and standard factor is limited to a minimum value defined as the ratio of the average of the lowest rate available for issuance and the maximum rate allowable by law divided by the lowest rate available for issuance. A basic and standard factor is limited to a maximum value defined as the ratio of the maximum rate allowable by law divided by the lowest rate available for issuance. The maximum rate allowable by law and the lowest rate available for issuance is determined based on the rate restrictions under this chapter. For policies written after January 1, 2002, rates for the basic and standard coverages as provided in this chapter shall be calculated using the basic and standard factors and shall be no lower than the maximum rate allowable by law. However, to maintain assessable loss assessments at or below one percent of total health insurance premiums or payments as determined in accordance with subsection 6, the Iowa individual health benefit reinsurance comprehensive health insurance association board with the approval of the commissioner may increase the value for any basic and standard factor greater than the maximum value.

Sec. 67. Section 513C.11, subsection 1, Code 2001, is amended to read as follows:

1. A self-funded employer-sponsored health benefit plan qualified under the federal Employee Retirement Income Security Act of 1974 may voluntarily elect to participate in the Iowa individual health benefit reinsurance association established in section 513C.10 in accordance with the plan of operation and subject to such terms and conditions adopted by the board of the association established in section 514E.2 to provide portability and continuity to its covered employees and their covered spouses and dependents subject to the same terms and conditions as a participating insurer.

Sec. 68. Section 514A.3, subsection 1, paragraph m, Code Supplement 2001, is amended to read as follows:

m. A provision as follows:

RIGHT TO RETURN POLICY: The insured has the right, within ten days after receipt of this policy, to return it to the company at its home office or branch office or to the agent through whom it was purchased, and if so returned the premium paid will be refunded and the policy will be void from the beginning and the parties shall be in the same position as if a policy had not been issued.

The foregoing provision shall be prominently printed on the first page of the policy or attached to the policy.

The provisions of this paragraph "m" and section 507B.4, subsections 12 and 13 shall apply to any insurance policy which is delivered or issued for delivery or renewed in this state on or after July 1, 1978.

Sec. 69. Section 514J.5, subsection 3, Code Supplement 2001, is amended to read as follows:

3. The carrier or organized delivery system has three business days from the date of receipt to contest the commissioner's certification decision. If the commissioner finds that the request for external review is not eligible for certification, the commissioner, within two business days of the date of the request, shall notify the enrollee, or the enrollee's treating health care provider acting on behalf of the enrollee, in writing of the reasons that the request for external review is not eligible for certification.

If the commissioner finds that the request for external review is eligible for certification, notwithstanding the contest by the carrier or organized delivery system, the commissioner shall promptly notify the carrier or organized delivery system in writing of the reasons for upholding the certification.

Sec. 70. Section 514J.7, subsection 1, paragraph b, Code Supplement 2001, is amended to read as follows:

b. Notify in writing the enrollee, and the enrollee's treating health care provider, of the name, address, and telephone number of the independent review entity and of the enrollee's and treating health care provider's right to submit additional information.

Sec. 71. Section 514J.7, subsection 2, Code Supplement 2001, is amended to read as follows:

2. The independent review entity, within three business days of receipt of the notice, shall select a person to perform the external review and shall provide notice to the enrollee of and the carrier containing a brief description of the person including the reasons the person selected is an expert in the treatment of the medical condition under review. The independent review entity does not need to disclose the name of the person. A copy of the notice shall be sent by facsimile to the commissioner. If the independent review entity does not have a person who is an expert in the treatment of the medical condition under review and certified by the commissioner to conduct an independent review, the independent review entity may either decline the review request or may request from the commissioner additional time to have such an expert certified. The independent review entity shall notify the commissioner by facsimile of its choice between these options within three business days of receipt of the notice from the carrier or organized delivery system. The commissioner shall provide a notice to the enrollee and carrier or organized delivery system of the independent review entity's decision and of the commissioner's decision as to how to proceed with the external review process within three business days of receipt of the independent review entity's decision.

Sec. 72. Section 514J.7, subsection 6, Code Supplement 2001, is amended to read as follows:

6. The independent review entity shall notify the enrollee and the enrollee's treating health care provider of any additional medical information required to conduct the review within five business days of receipt of the documentation required under subsection 4. The enrollee or



the enrollee's treating health care provider shall provide the requested information to the independent review entity within five days after receipt of the notification requesting additional medical information. The independent review entity may ~~reasonably~~ decide whether it is reasonable to consider any information provided by the enrollee or the enrollee's treating health care provider after the five-day period. The independent review entity shall notify the commissioner and the carrier or organized delivery system of this request.

Sec. 73. Section 518A.41, Code 2001, is amended to read as follows:  
518A.41 AGENTS TO BE LICENSED.

No person or corporation shall solicit any application for insurance for any association in this state without having procured from the commissioner of insurance a license authorizing the person or corporation to act as agent an insurance producer. Violation of this provision shall constitute a serious misdemeanor.

Sec. 74. Section 518A.43, Code 2001, is amended to read as follows:  
518A.43 CANCELLATION OF LICENSE.

The commissioner of insurance may, for a just and reasonable cause, cancel the license of such agent an insurance producer after due notice and hearing.

Sec. 75. Section 522B.1, subsections 6 and 9, Code Supplement 2001, are amended to read as follows:

6. "Insurer" means a person engaged in the business of insurance who is licensed regulated under chapter 508, 512B, 515, or 520.

9. "Limited lines producer" means a person ~~authorized~~ licensed by the commissioner to sell, solicit, or negotiate limited lines insurance.

Sec. 76. Section 522B.3, subsection 2, paragraph b, subparagraph (1), Code Supplement 2001, is amended to read as follows:

(1) Secures and furnishes information for the purpose of group life insurance, group property and casualty insurance, group annuities, or group or blanket accident and health insurance.

Sec. 77. Section 522B.6, subsection 7, Code Supplement 2001, is amended to read as follows:

7. A licensee shall inform the commissioner by any means acceptable to the commissioner of a change of legal name or address within thirty days of the change. Failure to timely inform the commissioner of a change in legal name or address may result in a penalty as specified in section 522B.17.

Sec. 78. Section 523A.102, subsection 3, Code Supplement 2001, is amended to read as follows:

3. "Burial account" means an account established by a person with a financial institution for the purpose of funding the future purchase of cemetery merchandise, funeral merchandise, funeral services, or a combination thereof without any related trust agreement.

Sec. 79. Section 523A.202, subsection 2, Code Supplement 2001, is amended to read as follows:

2. All funds required to be deposited by the purchaser or the seller for a purpose described in section 523A.201 shall be deposited consistent with one of the following methods:

a. The payments shall be deposited directly into an interest-bearing burial account in the purchaser's name.

b. The purchaser or the seller shall deposit payments directly into a separate trust account in the purchaser's name. The account may be made payable to the seller upon the death of the purchaser or the designated beneficiary, provided that, until death, the purchaser retains the exclusive power to hold, manage, pledge, and invest the trust account funds and may revoke

the trust and withdraw the funds, in whole or in part, at any time during the term of the agreement.

c. The purchaser or the seller shall deposit payments directly into a separate trust account in the name of the purchaser, as trustee, for the named beneficiary, to be held, invested, and administered as a trust account for the benefit and protection of the beneficiary. The depositor shall notify the financial institution of the existence and terms of the trust, including at a minimum, the name of each party to the agreement, the name and address of the trustee, and the name and address of the beneficiary. The account may be made payable to the seller upon the beneficiary's death.

d. The payments shall be deposited in the name of the trustee, as trustee, under the terms of a master trust agreement and the trustee may invest, reinvest, exchange, retain, sell, and otherwise manage the trust fund for the benefit and protection of the named beneficiary.

Sec. 80. Section 523A.302, Code Supplement 2001, is amended to read as follows:

**523A.302 IDENTIFICATION OF MERCHANDISE AND SERVICE PROVIDER.**

If a burial trust fund identifies, either in the trust fund records or in a related purchase agreement, the seller who will provide the cemetery merchandise, funeral merchandise, funeral services, or a combination thereof, the trust fund records or the related purchase agreements must contain a statement signed by an authorized representative of the seller agreeing to furnish the cemetery merchandise, funeral merchandise, funeral services, or a combination thereof upon the death of the beneficiary. The burial trust fund shall not identify a specific seller as payee unless the trust fund records or the related purchase agreements, if any, contain the signature of an authorized representative of the seller and, if the agreement is for funeral mortuary science services as mortuary science is defined in chapter 156 section 156.1, the name of a funeral director licensed to deliver those services. A person may enter into agreements authorizing the establishment of more than one burial trust fund and agreeing to furnish the applicable merchandise and services.

Sec. 81. Section 523A.402, subsection 5, paragraph a, Code Supplement 2001, is amended to read as follows:

a. Except as necessary and appropriate to satisfy the requirements regarding burial trust funds under Title XIX of the federal Social Security Act, the annuity shall not be owned by the establishment or irrevocably assigned to the establishment and any designation of the establishment as a beneficiary shall not be made irrevocable.

Sec. 82. Section 523A.501, subsection 6, Code Supplement 2001, is amended to read as follows:

6. ~~The commissioner shall grant or deny a permit application within thirty days after receipt, but the commissioner's failure to act within that time period shall not be deemed approval of the application. If no denial order is in effect and no proceeding is pending under section 523A.503, the application becomes effective at noon of the thirtieth day after a completed application or an amendment completing the application is filed, unless waived by the applicant. The commissioner may specify an earlier effective date. Automatic effectiveness under this subsection shall not be deemed approval of the application.~~ If the commissioner does not grant the permit, the commissioner shall notify the person in writing of the reasons for the denial. The permit shall disclose on its face the permit holder's employer or the establishment on whose behalf the applicant will be making or attempting to make sales, the permit number, and the expiration date.

Sec. 83. Section 523A.502, subsection 8, Code Supplement 2001, is amended to read as follows:

8. ~~The commissioner shall grant or deny a permit application within thirty days after receipt, but the commissioner's failure to act within that time period shall not be deemed approval of the application. If no denial order is in effect and no proceeding is pending under section~~

523A.503, the application becomes effective at noon of the thirtieth day after a completed application or an amendment completing the application is filed, unless waived by the applicant. The commissioner may specify an earlier effective date. Automatic effectiveness under this subsection shall not be deemed approval of the application. If the commissioner does not grant the permit, the commissioner shall notify the applicant in writing of the reasons for the denial.

Sec. 84. Section 523A.601, subsection 4, Code Supplement 2001, is amended to read as follows:

4. A purchase agreement shall be signed by the purchaser, the seller, and if the agreement is for funeral mortuary science services as mortuary science is defined in chapter 156 section 156.1, a person licensed to deliver funeral services.

Sec. 85. Section 523A.901, subsection 5, paragraph c, Code Supplement 2001, is amended to read as follows:

c. A statute of limitations or defense of laches shall not run with respect to an action against an establishment between the filing of a petition for liquidation against the establishment and the denial of the petition. An action against the establishment that might have been commenced when the petition was filed may be commenced for at least within sixty days after the petition is denied.

Sec. 86. Section 523A.901, subsection 8, paragraph a, Code Supplement 2001, is amended to read as follows:

a. After a petition for liquidation has been filed, a transfer of real property of the establishment made to a person acting in good faith is valid against the liquidator if made for a present fair equivalent value. If the transfer is not made for a present fair equivalent value, then the transfer is valid to the extent of the present consideration actually paid for which amount the transferee shall have a lien on the property transferred. The commencement of a proceeding in liquidation is constructive notice upon the recording of a copy of the petition for or order of liquidation with the recording or recorder of deeds in the county where any real property in question is located. The exercise by a court of the United States or a state or jurisdiction to authorize a judicial sale of real property of the establishment within a county in a state shall not be impaired by the pendency of a proceeding unless the copy is recorded in the county prior to the consummation of the judicial sale.

Sec. 87. Section 554.8106, subsection 6, Code Supplement 2001, is amended to read as follows:

6. A purchaser who has satisfied the requirements of subsection 3 or 4 has control, even if the registered owner in the case of subsection 3, paragraph "b", or the entitlement holder in the case of subsection 4, retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.

Sec. 88. Section 554.9109, subsection 1, paragraph e, Code Supplement 2001, is amended to read as follows:

e. a security interest arising under section 554.2401, 554.2505, 554.2711, subsection 3, section 554.9110, or 554.13508, subsection 5 as provided in section 554.9110; and

Sec. 89. Section 554.9521, subsection 2, Code Supplement 2001, is amended to read as follows:

2. AMENDMENT FORM. A filing office that accepts written records may not refuse to accept a written record amendment in a form and format approved by the secretary of state by rule adopted pursuant to chapter 17A except for a reason set forth in section 554.9516, subsection 2. The forms shall be consistent with those set forth in the final official text of the 1999 revisions to Article 9 of the Uniform Commercial Code promulgated by the American law institute and the national conference of commissioners on uniform state laws.

Sec. 90. Section 554.9525, subsection 1, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Except as otherwise provided in ~~subsection~~ subsections 3 and 4, fees for services rendered by the filing office under this part must be set by rules adopted by the secretary of state's office for services for that office. The rule must set the fees for filing and indexing a record under this part on the following basis:

Sec. 91. Section 554.9525, subsection 3, Code Supplement 2001, is amended to read as follows:

3. RESPONSE TO INFORMATION REQUEST. A rule adopted pursuant to subsection 1 must set the fee for responding to a request for information from the filing office, including for communicating whether there is on file any financing statement naming a particular debtor. However, if the filing office is in the county, the board of supervisors for the county may adopt an ordinance or resolution setting the fee for responding to a request for the information. A fee for responding to a request communicated in writing must be not less than twice the amount of the fee for responding to a request communicated by another medium authorized by the office of secretary of state or the board of supervisors for the filing office where its filing office is located.

Sec. 92. Section 554.9602, subsection 3, Code Supplement 2001, is amended to read as follows:

3. section 554.9607, subsection 3, which deals with collection and enforcement of as to collateral;

Sec. 93. Section 579A.3, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

While the cattle are located at the custom cattle feedlot, the custom cattle feedlot operator may ~~foreclose~~ enforce a lien created in section 579A.2 in the manner provided for the enforcement of an agricultural lien as provided in chapter 554, article 9, part 6. After the cattle have left the custom cattle feedlot, the custom cattle feedlot operator may enforce the lien by commencing an action at law for the amount of the lien against either of the following:

Sec. 94. Section 579B.1, subsection 13, Code Supplement 2001, is amended to read as follows:

13. "Personal representative" means a person who is authorized by a contract producer to act on behalf of the contract producer, including by executing an agreement, managing a contract operation, ~~or~~ filing a financing statement perfecting a lien, and enforcing a lien as provided in this chapter.

Sec. 95. Section 579B.3, subsection 2, Code Supplement 2001, is amended to read as follows:

2. A contract producer who is a party to a production contract executed pursuant to section 579B.2 shall have a lien as provided in this section. The contract producer is a secured party and the ~~owner of the commodity~~ contractor is a debtor for purposes of chapter 554, article 9. The amount of the lien shall be the amount owed to the contract producer pursuant to the terms of the production contract, which may be enforced as provided in section 579B.5.

Sec. 96. Section 602.8107, subsection 2, paragraph b, Code Supplement 2001, is amended to read as follows:

b. Fines or penalties and criminal penalty and law enforcement initiative surcharges.

Sec. 97. Section 633.231, Code Supplement 2001, is amended to read as follows:

633.231 NOTICE IN INTESTATE ESTATES — MEDICAL ASSISTANCE CLAIMS.

Upon opening administration of an intestate estate, the administrator may, in accordance

with section 633.410, provide by ordinary mail to the entity designated by the department of human services, a notice of opening administration of the estate and of the appointment of the administrator, which shall include a notice to file claims with the clerk within the later to occur of fifteen months from the second publication of the notice to creditors or two months from the date of mailing of this notice, or thereafter be forever barred.

The notice shall be in substantially the following form:

NOTICE OF OPENING ADMINISTRATION OF ESTATE, OF APPOINTMENT  
OF ADMINISTRATOR, AND NOTICE TO CREDITOR

In the District Court of Iowa

In and for ..... County.

In the Estate of ..... , Deceased

Probate No. ....

To the Department of Human Services Who May Be Interested in the Estate of  
....., Deceased, who died on or about ..... (date):

You are hereby notified that on the ..... day of ..... (month), ..... (year), an  
intestate estate was opened in the above-named court and that .....  
..... was appointed administrator of the estate.

You are further notified that the birthdate of the deceased is ..... and the de-  
ceased's social security number is ..... The birthdate of the spouse is .....  
and the spouse's social security number is ..... , and that the spouse of the deceased is  
alive as of the date of this notice, or deceased as of ..... (date).

You are further notified that the deceased was/was not a disabled or a blind child of the  
medical assistance recipient by the name of ..... , who had a  
birthdate of ..... and a social security number of ..... , and the medical  
assistance debt of that medical assistance recipient was waived pursuant to section 249A.5,  
subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant  
to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate  
for the deceased person or persons named in this notice, the claim shall be filed with the clerk  
of the above-named district court, as provided by law, duly authenticated, for allowance, and  
unless so filed by the later to occur of fifteen months from the second publication of this the  
notice to creditors or two months from the date of the mailing of this notice, unless otherwise  
allowed or paid, the claim is thereafter forever barred.

Dated this ..... day of ..... (month), ..... (year)

.....  
Administrator of estate

.....  
Address

.....  
Attorney for administrator

.....  
Address

Date of second publication

..... day of ..... (month), ..... (year)

(Date to be inserted by publisher)

Sec. 98. Section 633.304, unnumbered paragraph 2, Code 2001, is amended to read as fol-  
lows:

As used in this section, "heir" means only such person as would, in an intestate estate, be  
entitled to a share under section 633.219, subsection 1, 2, 3, or 4.

Sec. 99. Section 633.304A, Code Supplement 2001, is amended to read as follows:

633.304A NOTICE OF PROBATE OF WILL — MEDICAL ASSISTANCE CLAIMS.

On admission of a will to probate, the executor may, in accordance with section 633.410, provide by ordinary mail to the entity designated by the department of human services, a notice of admission of the will to probate and of the appointment of the executor, which shall include a notice to file claims with the clerk within the later to occur of fifteen months from the second publication of the notice to creditors or two months from the date of mailing of this notice, or thereafter be forever barred.

The notice shall be in substantially the following form:

NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR,  
AND NOTICE TO CREDITORS

In the District Court of Iowa

In and for ..... County.

In the Estate of ....., Deceased

Probate No. ....

To the Department of Human Services, Who May Be Interested in the Estate of ....., Deceased, who died on or about ..... (date):

You are hereby notified that on the ..... day of ..... (month), ..... (year), the last will and testament of ....., deceased, bearing date of the ..... day of ..... (month), ..... (year), was admitted to probate in the above-named court and that ..... was appointed executor of the estate.

You are further notified that the birthdate of the deceased is ..... and the deceased's social security number is ..... The birthdate of the spouse is ..... and the spouse's social security number is ....., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of ..... (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of ....., who had a birthdate of ..... and a social security number of ....., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.5, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of fifteen months from the second publication of ~~this~~ the notice to creditors or two months from the date of mailing of this notice, unless otherwise allowed or paid, the claim is thereafter forever barred.

Dated this ..... day of ..... (month), ..... (year)

.....  
Executor of estate

.....  
Address

.....  
Attorney for executor

.....  
Address

Date of second publication

..... day of ..... (month), ..... (year)

(Date to be inserted by publisher)

Sec. 100. Section 633.305, unnumbered paragraph 2, Code 2001, is amended to read as follows:

As used in this section, "heir" means only such person as would, in an intestate estate, be entitled to a share under section 633.219, ~~subsection 1, 2, 3, or 4.~~

Sec. 101. Section 633.3109, subsection 1, Code 2001, is amended to read as follows:

1. As used in this section, "heir" means only such person as would, in an intestate estate, be entitled to a share under section 633.219, ~~subsection 1, 2, 3, or 4.~~

Sec. 102. Section 692A.1, subsection 4, paragraph m, Code Supplement 2001, is amended to read as follows:

m. Sexual exploitation of a minor in violation of section 728.12, ~~subsection 2 or 3.~~

Sec. 103. Section 726.3, Code Supplement 2001, is amended to read as follows:

**726.3 NEGLECT OR ABANDONMENT OF A DEPENDENT PERSON.**

A person who is the father, mother, or some other person having custody of a child, or of any other person who by reason of mental or physical disability is not able to care for the person's self, who knowingly or recklessly exposes such person to a hazard or danger against which such person cannot reasonably be expected to protect such person's self or who deserts or abandons such person, knowing or having reason to believe that the person will be exposed to such hazard or danger, commits a class "C" felony. However, a parent or person authorized by the parent who has, in accordance with section 233.2, voluntarily released custody of a newborn infant shall not be prosecuted for a violation of this section involving abandonment of that a newborn infant, if the parent or the person authorized by the parent has voluntarily released custody of the newborn infant in accordance with section 233.2.

Sec. 104. Section 726.6, subsection 2, Code Supplement 2001, is amended to read as follows:

2. A parent or person authorized by the parent who has, in accordance with section 233.2, voluntarily released custody of a newborn infant shall not be prosecuted for a violation of subsection 1, paragraph "f" relating to abandonment, if the parent or person authorized by the parent has voluntarily released custody of a newborn infant in accordance with section 233.2.

Sec. 105. Section 902.3A, subsection 1, paragraph d, Code Supplement 2001, is amended to read as follows:

d. A person on parole or work release under a determinate term of confinement imposed under this section shall be subject to the terms and conditions of parole or work release as set out in chapter 906. Violations of parole or work release shall be subject to the procedures set out in chapters 905 and 908 ~~or~~ and rules adopted under those chapters.

Sec. 106. Section 4.1, subsection 21A, section 321.500, section 602.8103, subsection 4, paragraph d, section 617.3, and section 708.11, subsection 5, Code 2001, are amended by striking the words ", 3d ed" or the words ", 3rd ed".

Sec. 107. Section 229.1 and section 602.8102, subsections 136 through 163, Code Supplement 2001, are amended by striking the words ", 3d ed".

Sec. 108. Section 229.26, Code Supplement 2001,<sup>6</sup> is amended by striking the words "third edition,".

Sec. 109. Section 805.1, subsection 4, Code Supplement 2001, is amended by striking the words ", 3rd ed".

Sec. 110. Sections 192.132, 309.75, and 502.612, Code 2001, are repealed.

<sup>6</sup> Code 2001 probably intended

Sec. 111. Section 432.11, Code Supplement 2001, is repealed.

#### 2001 IOWA ACTS AMENDMENTS

Sec. 112. Section 542D.7, subsection 3, paragraph a, as enacted by 2001 Iowa Acts, chapter 55, section 7, is amended to read as follows:

a. An applicant for initial issuance or renewal of a permit to practice as a firm ~~must~~ shall show that notwithstanding any other provision of law, a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, and managers belongs to holders of a certificate issued by a state, and that such partners, officers, shareholders, members, and managers, who perform professional services in this state or for clients in this state, hold a certificate issued under section 542D.6 or 542D.19.

Sec. 113. Section 542D.13, subsection 9, as enacted by 2001 Iowa Acts, chapter 55, section 13, is amended to read as follows:

9. A person or firm not holding a certificate, permit, or license issued under section 542D.6, 542D.7, 542D.8, or 542D.19 shall not assume or use any title or designation that includes the word “accountant”, “auditor”, or “accounting”, in connection with any other language that implies that such person or firm holds such a certificate, permit, or license or has special competence as an accountant or auditor. However, this subsection does not prohibit an officer, partner, member, manager, or employee of a firm or organization from affixing that person’s own signature to a statement in reference to the financial affairs of such firm or organization with wording which designates the position, title, or office that the person holds, or prohibit any act of a public official or employee in the performance of such person’s duties. This subsection does not otherwise prohibit the use of the title or designation “accountant” by persons other than those holding a certificate or license under this chapter.

#### DIVISION II

Sec. 114. Section 10.1, subsection 4, Code 2001, is amended to read as follows:

4. “Commodity share landlord” means a natural person or a general partnership as provided in chapter 486 486A in which all partners are natural persons, who owns at least one hundred fifty acres of agricultural land, if the owner receives rent on a commodity share basis, which may be either a share of the crops or livestock produced on the land.

Sec. 115. Section 10.1, subsection 19, paragraph b, Code 2001, is amended to read as follows:

b. A general partnership as provided in chapter 486 486A in which all partners are natural persons actively engaged in farming.

Sec. 116. Section 13B.4, subsection 1, Code 2001, is amended to read as follows:

1. The state public defender shall coordinate the provision of legal representation of all indigents under arrest or charged with a crime, seeking postconviction relief, against whom a contempt action is pending, in proceedings under chapter 229A, in juvenile proceedings, on appeal in criminal cases, on appeal in proceedings to obtain postconviction relief when ordered to do so by the district court in which the judgment or order was issued, and on a reopening of a sentence proceeding, and may provide for the representation of indigents in proceedings instituted pursuant to chapter 908. The state public defender shall not engage in the private practice of law.

Sec. 117. Section 13B.8, subsection 2, Code 2001, is amended to read as follows:

2. The state public defender may appoint and may, for cause, remove the local public defender, assistant local public defenders, clerks, investigators, secretaries, or other employees for cause. Each local public defender, and any assistant local public defender, must be an attorney admitted to the practice of law before the Iowa supreme court.



Sec. 118. Section 14B.101, Code Supplement 2001, is amended by adding the following new subsection:

**NEW SUBSECTION.** 1A. "Department" means the information technology department.

Sec. 119. Section 14B.105, subsection 1, paragraph b, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

The members appointed by the governor pursuant to paragraph "a", subparagraphs (3) through (7), shall serve four-year staggered terms as designated by the governor and such appointments to the information technology council are subject to the requirements of sections 69.16, 69.16A, and 69.19. The four-year terms of members appointed by the governor shall be staggered as designated by the governor. Members appointed by the governor pursuant to paragraph "a", subparagraphs (3) through (7), shall not serve consecutive four-year terms. Members appointed by the governor are subject to senate confirmation and ~~shall be reimbursed for actual and necessary expenses incurred in performance of their duties.~~ Such members may also be eligible to receive compensation as provided in section 7E.6. Members shall be reimbursed for actual and necessary expenses incurred in performance of the members' duties.

Sec. 120. Section 15E.195, subsection 2, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

A city with a population of twenty-four thousand or more which designates an enterprise zone pursuant to section 15E.194, subsection 2, and in which an eligible enterprise zone is certified shall establish an enterprise zone commission to review applications from qualified businesses located within or requesting to locate within an enterprise zone to receive incentives or assistance as provided in section 15E.196. The enterprise zone commission shall review applications from qualified housing businesses requesting to receive incentives or assistance as provided in section 15E.193B. The enterprise zone commission shall also review applications from qualified development businesses requesting to receive incentives or assistance as provided in section 15E.193C. The commission shall consist of nine members. Six of these members shall consist of one representative of an international labor organization, one member with economic development expertise chosen by the department of economic development, one representative of the city council, one member of the local community college board of directors, one member of the city planning and zoning commission, and one representative of the local workforce development center. These six members shall select the remaining three members. If the enterprise zone consists of an area meeting the requirements for eligibility for an urban enterprise community under Title XIII of the federal Omnibus Budget Reconciliation Act of 1993, one of the remaining three members shall be a representative of that community. If a city contiguous to the city designating the enterprise zone is included in an enterprise zone, a representative of the contiguous city, chosen by the city council, shall be a member of the commission. A city in which an eligible enterprise zone is certified shall have only one enterprise zone commission. If a city has established an enterprise zone commission prior to the effective date of this Act July 1, 1998, the city may petition to the department of economic development to change the structure of the existing commission.

Sec. 121. Section 29A.17, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The military staff of the governor shall consist of the adjutant general, who shall be the chief of staff; the deputy adjutants general, who shall be the assistant chiefs of staff; and the any aides, who shall be residents of the state, as the governor may appoint or detail from the armed forces of the state.

Sec. 122. Section 29A.66, Code 2001, is amended to read as follows:

29A.66 APPLICABLE POWERS AND DUTIES.

The powers and duties of the governor, the adjutant general, and the deputy adjutants gener-

al, with relation to the Iowa state guard, shall be the same as those powers and duties prescribed in this chapter for ~~the~~ those officers with relation to the national guard.

Sec. 123. Section 48A.31, Code 2001, is amended to read as follows:

48A.31 DECEASED PERSONS RECORD.

The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, once each calendar quarter, a certified list of all persons seventeen and one-half years of age and older in the state whose deaths have been reported to the bureau of vital records and statistics division of the Iowa department of public health since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters, who shall determine whether each listed decedent was registered to vote in this state. If the decedent was registered in a county which uses its own data processing facilities for voter registration recordkeeping, the registrar shall notify the commissioner in that county who shall cancel the decedent's registration. If the decedent was registered in a county for which voter registration recordkeeping is performed under contract by the registrar, the registrar shall immediately cancel the registration and notify the commissioner of the county in which the decedent was registered to vote of the cancellation.

Sec. 124. Section 56.2, subsection 14, paragraph c, Code 2001, is amended by striking the paragraph.

Sec. 125. Section 56.14, subsection 2, paragraph a, Code 2001, is amended to read as follows:

a. ~~Yard signs shall not be placed on any property which adjoins a city, county, or state roadway sooner than forty-five days preceding a primary or general election and shall be removed within seven days after the primary or general election in which the name of the particular candidate or ballot issue described on the yard sign appears on the ballot. Yard signs are subject to removal by highway authorities as provided in section 319.13, or by county or city law enforcement authorities in a manner consistent with section 319.13. The placement or erection of yard signs shall be exempt from the requirements of chapter 480. Notice may be provided to the chairperson of the appropriate county central committee if the highway authorities are unable to provide notice to the candidate, candidate's committee, or political committee regarding the yard sign.~~

Sec. 126. Section 97B.50A, subsection 7, paragraph b, subparagraph (4), Code 2001, is amended to read as follows:

(4) This paragraph does not apply to a member who is at least fifty-five years of age and would have completed a sufficient number of years of service if the member had remained in active special service employment. For purposes of this subparagraph, a sufficient number of years of service shall be ~~twenty-five~~ the applicable years of service for a special service member as described in section 97B.49B or twenty-two for a special service member as described in section 97B.49C.

Sec. 127. Section 101.22, subsection 4, Code 2001, is amended to read as follows:

4. The registration notice of the owner or operator to the state fire marshal under subsections 1 through 3 shall be accompanied by a an annual fee of ten dollars for each tank included in the notice. All moneys collected shall be retained by the department of public safety and are appropriated for the use of the state fire marshal. The annual renewal fee applies to all owners or operators who filed a registration notice with the state fire marshal pursuant to subsections 1 through 3.

Sec. 128. Section 123.39, subsection 1, paragraph a, Code 2001, is amended to read as follows:

a. The administrator or the local authority may suspend a license or permit issued pursuant

to the ~~this~~ chapter for a period not to exceed one year, revoke the license or permit, or impose a civil penalty not to exceed one thousand dollars per violation. Before suspension, revocation, or imposition of a civil penalty, the license or permit holder shall be given written notice and an opportunity for a hearing. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections and appeals to conduct the hearing and issue a proposed decision. Upon the motion of a party to the hearing or upon the administrator's own motion, the administrator may review the proposed decision in accordance with chapter 17A. Upon review of the proposed decision, the administrator may affirm, reverse, or modify the proposed decision. A licensee or permittee aggrieved by a decision of the administrator may seek judicial review of the administrator's decision in accordance with chapter 17A.

Sec. 129. Section 135.43, subsection 5, paragraph d, Code 2001, is amended to read as follows:

d. The administrator of the ~~division~~ bureau of vital records of the Iowa department of public health.

Sec. 130. Section 135.43, subsection 7, paragraph b, Code 2001, is amended to read as follows:

b. A person in possession or control of medical, investigative, assessment, or other information pertaining to a child death and child abuse review shall allow the inspection and reproduction of the information by the department upon the request of the department, to be used only in the administration and for the duties of the Iowa child death review team. Except as provided for a report on a child fatality by an ad hoc child fatality review committee under subsection 4 ~~and, information and~~ records produced under this section which are confidential under section 22.7 and chapter 235A, and information or records received from the confidential records, remain confidential under this section. A person does not incur legal liability by reason of releasing information to the department as required under and in compliance with this section.

Sec. 131. Section 135.110, subsection 2, Code 2001, is amended to read as follows:

2. In performing duties pursuant to subsection 1, the review team shall review the relationship between the decedent victim and the alleged ~~or convicted~~ perpetrator from the point where the abuse allegedly began, until the domestic abuse death occurred, and shall review all relevant documents pertaining to the relationship between the parties, including but not limited to protective orders and dissolution, custody, and support agreements and related court records, in order to ascertain whether a correlation exists between certain events in the relationship and any escalation of abuse, and whether patterns can be established regarding such events in relation to domestic abuse deaths in general. The review team shall consider such conclusions in making recommendations pursuant to subsection 1.

Sec. 132. Section 137C.7, Code 2001, is amended to read as follows:

**137C.7 LICENSE REQUIRED.**

No person shall open or operate a hotel until a license has been obtained from the regulatory authority and until the hotel has been inspected by the regulatory authority. ~~A license issued by the department of agriculture prior to January 1, 1979 shall be valid until its expiration date. An inspection conducted by the department of agriculture prior to January 1, 1979 shall be valid for purposes of this section.~~ Each license shall expire one year from date of issue. A license is renewable. All licenses issued under the Iowa hotel sanitation code that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent of the license fee if the license is renewed at a later date. A license is not transferable.

Sec. 133. Section 139A.10, Code 2001, is amended to read as follows:

**139A.10 FEES FOR REMOVING.**

The officers designated ~~by the magistrate~~ shall receive reasonable compensation for their

services as determined by the local board. The amount determined shall be certified and paid in the same manner as other expenses incurred under this chapter.

Sec. 134. Section 139A.30, Code 2001, is amended to read as follows:

139A.30 CONFIDENTIAL REPORTS.

Reports to the department which include the identity of persons infected with a sexually transmitted disease or infection, and all such related information, records, and reports concerning the person, shall be confidential and shall not be accessible to the public. However, such reports, information, and records shall be confidential only to the extent necessary to prevent identification of persons named in such reports, information, and records; the other parts of such reports, information, and records shall be public records. The preceding sentence shall prevail over any inconsistent provision of this ~~chapter~~ subchapter.

Sec. 135. Section 161.2, subsection 4, Code 2001, is amended to read as follows:

4. "Board" means the agrichemical remediation ~~reimbursement~~ board created under section 161.3.

Sec. 136. Section 161.2, subsection 9, unnumbered paragraph 1, Code 2001, is amended to read as follows:

"Fertilizer site" means a place where containers used for storing or mixing a fertilizer are located, if any of the following apply:

Sec. 137. Section 161.2, subsection 14, Code 2001, is amended by striking the subsection.

Sec. 138. Section 161.6, subsection 4, paragraph a, Code 2001, is amended to read as follows:

a. For a high priority site, soil and groundwater site cleanup shall include active ~~remediation site cleanup~~ where technically feasible, until such time as the groundwater contamination levels are below action levels.

Sec. 139. Section 161.8, subsection 3, paragraph b, subparagraph (1), Code 2001, is amended to read as follows:

(1) The responsible person performed reasonable measures necessary for the immediate abatement of any ~~prohibited release~~ contamination.

Sec. 140. Section 166D.7, subsection 1, paragraph a, Code 2001, is amended to read as follows:

a. The herd shall be certified when all breeding swine have reacted negatively to a test. The herd must have been free from infection for thirty days prior to testing. At least ninety percent of swine in the herd must have been on the premises as a part of the herd for at least sixty days prior to testing, or swine in the herd must have been moved or relocated directly from another qualified negative herd. To remain certified, the herd must be retested and recertified each month as provided by the department. The herd shall be recertified when ~~each month~~ the greater of five head of swine or at least ten percent of the herd's breeding swine react negatively to a test.

Sec. 141. Section 166D.10, subsection 1, paragraph c, Code 2001, is amended to read as follows:

c. A person transfers ownership of all or part of a herd, if the herd remains on the same premises. However, the herd must be tested by statistical sampling. If any part of the herd is subsequently moved or relocated, the swine must be moved or relocated in accordance with this section and sections 166D.7, 166D.8, and ~~166D.9~~ 166D.10A.

Sec. 142. Section 166D.10B, subsection 1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

A person shall not maintain swine other than feeder ~~swine~~ pigs or cull swine at an approved premises.

Sec. 143. Section 183A.7, unnumbered paragraph 3, Code 2001, is amended to read as follows:

From the moneys collected, deposited, and transferred to the council as provided in this chapter, the council shall first pay the costs of referendums held pursuant to this chapter. Of the moneys remaining, ~~at least ten percent shall be remitted to the national livestock and meat board and the pork industry group~~; at least twenty-five percent shall be remitted to the national pork producers council; and at least fifteen percent shall be remitted to the Iowa pork producers association, in the proportion the committee determines, for use by recipients in a manner not inconsistent with market development as defined in section 183A.1. Moneys remaining shall be spent as found necessary by the council to further carry out the provisions and purposes of this chapter.

Sec. 144. Section 202A.1, subsection 3, Code 2001, is amended to read as follows:

3. "Packer" means a person who is engaged in the business of slaughtering livestock or receiving, purchasing, or soliciting livestock for slaughter, if the meat products of the slaughtered livestock which are directly or indirectly to be offered for resale or for public consumption have a total annual value of ten million dollars or more. As used in this chapter, "packer" includes an agent of the packer engaged in buying or soliciting livestock for slaughter on behalf of a packer. ~~"Packer" does not include a frozen food locker plant regulated under chapter 172.~~

Sec. 145. Section 207.22, subsection 3, paragraph b, Code 2001, is amended to read as follows:

b. Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of title IV of Pub. L. No. 95-87 or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effect of past coal mining practices.

Sec. 146. Section 216A.102, subsection 1, Code 2001, is amended to read as follows:

1. An energy crisis fund is created in the state treasury. Moneys deposited in the fund shall be used to assist low-income families who qualify for the low-income ~~heating~~ home energy assistance program to avoid loss of essential heating.

Sec. 147. Section 232.141, subsection 3, paragraphs c and d, Code 2001, are amended to read as follows:

c. Costs incurred for compensation of an attorney appointed by the court to serve as counsel to any party or as guardian ad litem for any child shall be ~~made~~ paid in accordance with sections 13B.4 and 815.7.

d. Costs incurred under subsection 2 shall be paid by the state. The county shall be required to reimburse the indigent defense fund for costs incurred by the state up to the county's base in subsection 2 ~~3~~.

Sec. 148. Section 256D.1, subsection 1, paragraph b, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The department of education shall identify diagnostic assessment tools that can be used to assist teachers in measuring reading accuracy and fluency skills, including but not limited to, phonemic awareness, oral reading ability, and ~~comprehensive~~ comprehension skills, to improve student achievement in kindergarten through grade three. The department, in collaboration with the area education agencies, school districts, and institutions with approved practitioner preparation programs, shall identify and serve as a clearinghouse on intensive,

research-based strategies and programs for training teachers in both diagnosis and appropriate instruction interventions.

Sec. 149. Section 272C.3, subsection 2, paragraph a, Code Supplement 2001, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in section 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, ~~455B.219~~, 542B.21, 542C.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151, 155, 507B, or 522B, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 150. Section 272C.4, subsection 6, Code Supplement 2001, is amended to read as follows:

6. Define by rule acts or omissions which are grounds for revocation or suspension of a license under section 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, ~~455B.191~~ 455B.219, 542B.21, 542C.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151, 155, 507B, or 522B, as applicable, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 272C.3, subsection 2, paragraph “b”, which licensees are required to report to the board pursuant to section 272C.9, subsection 2;

Sec. 151. Section 303.86, Code 2001, is amended to read as follows:

303.86 ARTS COUNCIL.

The Iowa state arts council is created as an advisory council, consisting of fifteen members, appointed by the governor from among citizens of Iowa who are recognized for their interest or experience in connection with the performing and fine arts. In making appointments, due consideration shall be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing and fine arts.

The term of office of each member of the Iowa state arts council is three years. The governor shall designate a chairperson and a vice chairperson from the members of the council to serve at the pleasure of the governor. All vacancies shall be filled for the balance of any unexpired term in the same manner as original appointments. The members of the council shall not receive compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council. Members may also be eligible for compensation as provided in section 7E.6.

Sec. 152. Section 321.219, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

A person shall not cause or knowingly permit the person’s child or ward under the age of eighteen years to drive a motor vehicle upon any highway when the minor is not authorized under this section ~~or in violation of this chapter~~.

Sec. 153. Section 321.279, subsection 1, Code 2001, is amended to read as follows:

1. The driver of a motor vehicle commits a serious misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual and audible signal to stop. The signal given by the peace officer shall be by flashing red light, or by flashing red and blue lights, and siren. For purposes of this section, “peace officer” means those officers designated under section 801.4, subsection 11, paragraphs “a”, “b”, “c”, “g”, and “h”.

Sec. 154. Section 321.560, subsection 1, paragraph b, Code Supplement 2001, is amended to read as follows:

b. A temporary restricted license may be issued pursuant to section 321J.4, subsection 9, to a person declared to be a habitual offender due to a combination of the offenses listed under section 321.555, subsection 1, paragraph<sup>7</sup> “b” ~~or~~ and “c”.

Sec. 155. Section 321J.17, subsection 2, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The court or department may request that the community college or substance abuse treatment providers licensed under chapter 125 conducting the course for drinking drivers which that the person is ordered to attend immediately report to the court or department that the person has successfully completed the course for drinking drivers. The court or department may request that the treatment program which the person attends periodically report on the defendant’s attendance and participation in the program, as well as the status of treatment or rehabilitation.

Sec. 156. Section 322C.2, subsections 4 and 7, Code 2001, are amended by striking the subsections.

Sec. 157. Section 331.424A, subsection 4, Code Supplement 2001, is amended to read as follows:

4. For the fiscal year beginning July 1, 1996, and for each subsequent fiscal year, the county shall certify a levy for payment of services. For each fiscal year, county revenues from taxes imposed by the county credited to the services fund shall not exceed an amount equal to the amount of base year expenditures for services as defined in section 331.438, less the amount of property tax relief to be received pursuant to section 426B.2, in the fiscal year for which the budget is certified. The county auditor and the board of supervisors shall reduce the amount of the levy certified for the services fund by the amount of property tax relief to be received. A levy certified under this section is not subject to the appeal provisions of ~~sections~~ section 331.426 ~~and 444.25B~~ or to any other provision in law authorizing a county to exceed, increase, or appeal a property tax levy limit.

Sec. 158. Section 331.424B, Code 2001, is amended to read as follows:

331.424B CEMETERY LEVY.

The board may levy annually a tax not to exceed six and three-fourths cents per thousand dollars of the assessed value of all taxable property in the county to repair and maintain all cemeteries under the jurisdiction of the board including pioneer cemeteries and to pay other expenses of the board or the cemetery commission as provided in section 331.325. The proceeds of the tax levy shall be credited to the county general fund. ~~Sections 444.25A and 444.25B do not apply to the property tax levied or expended for cemeteries pursuant to section 331.325.~~

Sec. 159. Section 331.756, subsection 5, Code 2001, is amended to read as follows:

5. Enforce all forfeited bonds and recognizances and prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, restitution of court-appointed attorney fees ~~or ordered pursuant to section 815.9, including the~~ expense of a public defender, and forfeitures accruing to the state, the county or a road district in the county, and all suits in the county against public service corporations which are brought in the name of the state. To assist in this duty, the county attorney may procure professional collection services provided by persons or organizations, including private attorneys, which are generally considered to have knowledge and special abilities which are not generally available to state or local government or may designate another county official or agency to assist with collection efforts.

If professional collection services are procured, the county attorney shall file with the clerk of the district court an indication of the satisfaction of each obligation to the full extent of all

<sup>7</sup> According to enrolled Act

moneys collected in satisfaction of that obligation, including all fees and compensation retained by the collection service incident to the collection and not paid into the office of the clerk.

Before a county attorney designates another county official or agency to assist with collection of debts, revenues, moneys, fines, penalties, restitution of court-appointed attorney fees ~~or ordered pursuant to section 815.9, including the~~ expense of a public defender, and forfeitures, the board of supervisors of the county must approve the designation.

All fines, penalties, court costs, fees, and restitution for court-appointed attorney fees ~~or ordered pursuant to section 815.9, including the~~ expenses of a public defender which are delinquent as defined in section 602.8107 may be collected by the county attorney or the person procured or designated by the county attorney. In order to receive a percentage of the amounts collected pursuant to section 602.8107, the county attorney must file annually with the clerk of the district court on or before July 1 a notice of full commitment to collect delinquent obligations and must file on the first day of each month a list of the cases in which the county attorney or the person procured or designated by the county attorney is pursuing the collection of delinquent obligations. The annual notice shall contain a list of procedures which will be initiated by the county attorney. Amounts collected by the county attorney or the person procured or designated by the county attorney shall be distributed in accordance with section 602.8107.

Sec. 160. Section 403.6, subsection 17, Code 2001, is amended to read as follows:

17. Subject to applicable state or federal regulations in effect at the time of the ~~city~~ municipal action, accept contributions, grants, and other financial assistance from the state or federal government to be used upon a finding of public purpose for grants, loans, loan guarantees, interest supplements, technical assistance, or other assistance as necessary or appropriate to private persons for an urban renewal project.

Sec. 161. Section 403.17, subsection 10, Code 2001, is amended to read as follows:

10. "Economic development area" means an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing. If an urban renewal plan for an urban renewal area is based upon a finding that the area is an economic development area and that no part contains slum or blighted conditions, then the division of revenue provided in section 403.19 and stated in the plan shall be limited to twenty years from the calendar year following the calendar year in which the ~~city~~ municipality first certifies to the county auditor the amount of any loans, advances, indebtedness, or bonds which qualify for payment from the division of revenue provided in section 403.19. Such designated area shall not include agricultural land, including land which is part of a century farm, unless the owner of the agricultural land or century farm agrees to include the agricultural land or century farm in the urban renewal area. For the purposes of this subsection, "century farm" means a farm in which at least forty acres of such farm have been held in continuous ownership by the same family for one hundred years or more.

Sec. 162. Section 404A.3, subsection 2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The state historic preservation office shall establish selection criteria and standards for rehabilitation projects involving eligible property. The main emphasis of the standards shall be to ensure that a rehabilitation project maintains the integrity of the eligible property. To the extent applicable, the standards shall be consistent with the standards of the United States secretary of the interior for rehabilitation of eligible property that is listed on the national register of historic places or is designated as of historic significance to a district listed in the national register of historic places or shall be consistent with standards for issuance of certificates of appropriation appropriateness under sections 303.27 through 303.32.



Sec. 163. Section 422.4, subsection 2, paragraph c, Code 2001, is amended by striking the paragraph.

Sec. 164. Section 422.45, subsection 24, unnumbered paragraph 2, Code Supplement 2001, is amended by striking the unnumbered paragraph.

Sec. 165. Section 422.52, subsection 4, Code 2001, is amended to read as follows:

4. The tax by this division imposed upon those sales of motor vehicle fuel which are subject to tax and refund under chapter 452A shall be collected by the ~~state treasurer~~ department by way of deduction from refunds otherwise allowable under said chapter. The amount of such deductions the ~~treasurer~~ department shall transfer from the motor vehicle fuel fund to the special tax fund.

Sec. 166. Section 422B.1, subsection 6, paragraph b, Code 2001, is amended to read as follows:

b. Within ten days of the election at which a majority of those voting on the question favors the imposition, repeal, or change in the rate of a local option tax, the county auditor shall give written notice of the result of the election by sending a copy of the abstract of the votes from the favorable election to the director of revenue and finance or, in the case of a local vehicle tax, to the director of the department of transportation, ~~of the result of the election.~~

Sec. 167. Section 426B.1, subsection 2, paragraphs a and b, Code 2001, are amended by striking the paragraphs.

Sec. 168. Section 427.2A, unnumbered paragraph 3, Code 2001, is amended by striking the unnumbered paragraph.

Sec. 169. Section 432.1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Every insurance company or association of whatever kind or character, not including fraternal beneficiary associations, and nonprofit hospital and medical service corporations, shall, as required by law, pay to the director of the department of revenue and finance, or to a depository designated by the director, as taxes, an amount equal to the following, except that the premium tax applicable to county mutual insurance associations shall be governed by section 518.18:

Sec. 170. Section 455B.190A, subsection 1, paragraph e, Code 2001, is amended by striking the paragraph.<sup>8</sup>

Sec. 171. Section 455B.190A, subsection 2, paragraphs f and g, Code 2001, are amended to read as follows:

f. The department shall develop continuing education requirements for certification of a well contractor ~~in consultation with the well contractors' council.~~

g. The examination shall be developed by the department ~~in consultation with the well contractors' council.~~ The examination shall be updated as necessary to reflect current groundwater law and well construction, maintenance, and abandonment practices.<sup>9</sup>

Sec. 172. Section 455B.190A, subsections 3 and 6, Code 2001, are amended by striking the subsections.<sup>10</sup>

Sec. 173. Section 455B.190A, subsection 4, Code 2001, is amended to read as follows:

4. The department shall develop, ~~in consultation with the well contractors' council,~~ a consumer information pamphlet regarding well construction, well maintenance, well plugging, and Iowa groundwater laws. The department ~~and the council~~ shall review and revise the consumer information pamphlet as necessary. The consumer information pamphlet shall be sup-

<sup>8</sup> See chapter 1175, §100 herein

<sup>9</sup> See chapter 1175, §100 herein

<sup>10</sup> See chapter 1175, §100 herein

plied to well contractors, at cost, and well contractors shall supply one copy at no cost to potential customers prior to initiation of well services.

Sec. 174. Section 455B.190A, subsection 5, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The department shall establish by rule and collect, ~~in consultation with the well contractors' council,~~ the following fees to be used to implement and administer the provisions of this section:<sup>11</sup>

Sec. 175. Section 455B.601, subsection 2, paragraph b, Code 2001, is amended to read as follows:

b. A responsible person has executed a remediation agreement with the agrichemical remediation ~~reimbursement~~ board and the responsible person is remediating or has remediated the site pursuant to a plan of remediation as provided in chapter 161.

Sec. 176. Section 455E.11, subsection 2, paragraph b, subparagraph (1), Code Supplement 2001, is amended to read as follows:

(1) Nine thousand dollars of the account is appropriated to the Iowa department of public health for carrying out the departmental duties under section 135.11, subsections 20 and 21, and section ~~139A.31~~ 139A.21.

Sec. 177. Section 476.66, subsections 1 and 7, Code 2001, are amended to read as follows:

1. The utilities board shall adopt rules which shall require each electric and gas public utility to establish a fund whose purposes shall include the receiving of contributions to assist the utility's low-income customers with weatherization measures to improve energy efficiency related to winter heating and summer cooling, and to supplement the energy assistance received under the federal low-income heating home energy assistance program for the payment of winter heating electric or gas utility bills.

7. Existing programs to receive customer contributions established by public utilities shall be construed to meet the requirements of this section. Such plans shall be subject to review by the utilities board. ~~If determined not to be in compliance with the provisions of this section, they shall be given until July 1989 to modify their operation so as to be in compliance.~~

Sec. 178. Section 486A.1102, subsection 2, Code 2001, is amended to read as follows:

2. The agent of a foreign limited liability ~~company~~ partnership for service of process must be an individual who is a resident of this state or other person authorized to do business in this state.

Sec. 179. Section 511.8, subsection 22, paragraph d, Code 2001, is amended to read as follows:

d. Investments in financial instruments used in hedging transactions are not eligible in excess of ten percent of the legal reserve, except insofar as the financial instruments are collateralized by cash or United States government obligations as authorized by subsection 1 deposited with a custodian bank as defined in subsection 21, and held under a written agreement with the custodian bank that complies with subsection 21 and provides for the proceeds of the collateral, subject to the terms and conditions of the applicable collateral or other credit support agreement, to be remitted to the legal reserve deposit of the company or association and to vest in the state in accordance with section 508.18 whenever proceedings under this ~~that~~ section are instituted.

Sec. 180. Section 514.3, Code 2001, is amended to read as follows:

514.3 APPROVAL BY COMMISSIONER.

The articles of incorporation, and any subsequent amendments, of a corporation shall have endorsed on or annexed to those articles or amendments the approval of the commissioner of insurance before the same shall be filed for record. A corporation shall file with the commis-

<sup>11</sup> See chapter 1175, §100 herein

sioner bylaws and subsequent amendments to the bylaws within thirty days of the adoption of the bylaws and amendments.

Sec. 181. Section 515.24, Code 2001, is amended to read as follows:

515.24 TAX — COMPUTATION.

For the purpose of determining the basis of any tax upon the “gross amount of premiums”, or “gross receipts from premiums, assessments, fees, and promissory obligations”, now or hereafter imposed upon any fire or casualty insurance company under any law of this state, such gross amount or gross receipts shall consist of the gross premiums or receipts for direct insurance, without including or deducting any amounts received or paid for reinsurance except that any company reinsuring windstorm or hail risks written by county mutual insurance associations shall be required to pay a two percent tax on the gross amount of reinsurance premiums received upon such risks, but with such other deductions as provided by law, and in addition deducting any so-called dividend or return of savings or gains to policyholders; provided that as to any deposits or deposit premiums received by any such company, the taxable premiums shall be the portion of such deposits or deposit premiums earned during the year with such deductions therefrom as provided by law.

Sec. 182. Section 515F.3, subsection 6, Code 2001, is amended to read as follows:

6. Insurance written by a county mutual insurance association as provided in chapter 518A 518.<sup>12</sup>

Sec. 183. Section 518.17, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Reinsurance sufficient to protect the financial stability of the state mutual insurance association is also required. Reinsurance coverage obtained by a county mutual insurance association shall not expose the association to losses from coverages written pursuant to this chapter of more than fifteen percent from surplus in any calendar year. The commissioner of insurance may require additional reinsurance if necessary to protect the policyholders of the association.

Sec. 184. Section 536A.12, subsection 1, Code 2001, is amended to read as follows:

1. Each such license remains in full force and effect until surrendered, revoked, or suspended, or until there is a change of control on or after January 1, 1996. A licensee, on or before the second day of January, shall pay to the superintendent the sum of two hundred fifty dollars as an annual license fee for the succeeding calendar year. When a licensee changes its place of business from one location to another in the same city, it shall at once give written notice to the superintendent who shall attach to the license in writing the superintendent’s record of the change and the date of the change, which is authority for the operation of the business under that license at the new place of business.

Sec. 185. Section 536A.30, subsection 4, Code 2001, is amended to read as follows:

4. Section 536A.12, to the extent it requires a licensee to pay an annual license fee which, when combined with that required in section 536A.7, is in excess of ~~ten~~ two hundred fifty dollars.

Sec. 186. Section 537A.10, subsection 5, paragraph b, subparagraph (2), Code Supplement 2001, is amended to read as follows:

(2) If pursuant to such a transfer ~~less than~~ less than fifty percent or less of the entire franchise would be owned by persons who meet the franchisor’s reasonable current qualifications, the franchisor may refuse to authorize the transfer, provided that enforcement of the reasonable current qualifications is not arbitrary or capricious.

Sec. 187. Section 554D.120, subsection 2, Code 2001, is amended to read as follows:

2. Except as otherwise provided in section 554D.114, subsection 6, on or before July 1, 2003,

<sup>12</sup> See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §246, 262 herein

a state executive branch agency, department, board, commission, authority, or institution, in consultation and cooperation with the ~~division of information technology services of the department of general services~~, shall send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and signatures. The department of management, upon the written request of a state executive branch agency, department, board, commission, authority, or institution and for good cause shown, may grant a waiver from the July 1, 2003, deadline established in this section to the state executive branch agency, department, board, commission, authority, or institution.

Sec. 188. Section 554D.120, subsection 3, unnumbered paragraph 1, Code 2001, is amended to read as follows:

To the extent that a governmental agency of this state uses electronic records and electronic signatures under subsection 1 or 2, the office of the secretary of state and the ~~division of information technology services of the department of general services~~, jointly, and in consultation with the office of the attorney general, giving due consideration to security, may specify by rule all of the following:

Sec. 189. Section 595.13, Code 2001, is amended to read as follows:

595.13 CERTIFICATE — RETURN.

After the marriage has been solemnized, the officiating minister or magistrate shall attest to the marriage on the blank provided for that purpose and return the certificate of marriage within fifteen days to the county registrar who issued the marriage license ~~upon the blank provided for that purpose~~.

Sec. 190. Section 633.568, Code 2001, is amended to read as follows:

633.568 NOTICE TO PROPOSED WARD.

1. a. If the proposed ward is an adult, notice of the filing of the petition shall be served upon the proposed ward in the manner of an original notice and the content of the notice is governed by the rules of civil procedure governing original notice.

b. Except where the ward is the petitioner, notice shall also be served upon the ward's spouse. If the ward has no spouse, notice shall be served upon the ward's adult children, if any.

2. a. If the proposed ward is a minor or if the proposed ward is an adult under a standby petition and the court determines, pursuant to section 633.575, subsection 1, paragraph "b", that the proposed ward is entitled to representation, notice in the manner of original notice, or another form of notice ordered by the court, given to the attorney appointed to represent the ward is notice to the proposed ward.

b. Notice shall also be served upon the:

(1) The parents of the proposed ward, if the ward is a minor.

(2) The spouse of the proposed ward, if the proposed ward is an adult. If the ward has no spouse, notice shall be serviced upon the proposed ward's adult children, if any.

3. Service of notice under this section upon persons other than the proposed ward shall be made upon such persons whose identities are reasonably ascertainable pursuant to section 633.40, subsection 5. Proof of service shall be made by affidavit, to which copies of all documents served shall be attached.

Sec. 191. Section 633.6202, subsection 2, paragraph o, Code 2001, is amended to read as follows:

o. Authorize or direct transfer ~~or of~~ of a trust or trust property to or from another jurisdiction.

Sec. 192. Section 692A.7, subsection 1, Code 2001, is amended to read as follows:

1. A person required to register under this chapter who knowingly violates any requirements specified under sections 692A.2 through 692A.4 commits an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. However, a person required to register under this chapter who knowingly violates any of the requirements speci-

fied under sections 692A.2 through 692A.4 and who commits a criminal offense against a minor, sexual exploitation, an other relevant offense, or a sexually violent offense is guilty of a class "C" felony. Any fine imposed for a second or subsequent violation shall not be suspended. The court shall not defer judgment or sentence for any violation of any requirements specified under sections 692A.2 through 692A.4. A knowing violation of ~~by~~ a person, who is on probation, parole, work release, or any other form of release, ~~to comply with~~ of any requirements specified under sections 692A.2 through 692A.4 shall result in the automatic revocation of the person's probation, parole, or work release.

Sec. 193. Section 692A.13, subsection 3, paragraph c, subparagraph (1), Code 2001, is amended to read as follows:

(1) Persons who commit a criminal offense against a minor, an aggravated offense, sexual exploitation, a sexually violent offense, or an other relevant offense on or after ~~the effective date of this Act July 1, 1999,~~ and who have been assessed to be "moderate-risk" or "high-risk".

Sec. 194. Section 714.16, subsection 2, paragraph n, subparagraph (1), unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

It is an unlawful practice for a person to misrepresent the geographic location of a supplier ~~or of~~ a service or product by listing a fictitious business name or an assumed business name in a local telephone directory or directory assistance database if all of the following apply:

Sec. 195. Section 910.1, subsection 4, Code 2001, is amended to read as follows:

4. "Restitution" means payment of pecuniary damages to a victim in an amount and in the manner provided by the offender's plan of restitution. "Restitution" also includes fines, penalties, and surcharges, the contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender's case, the payment of crime victim compensation program reimbursements, payment of restitution to public agencies pursuant to section 321J.2, subsection 9, paragraph "b", court costs including correctional fees approved pursuant to section 356.7, court-appointed ~~attorney's attorney~~ fees, ~~or ordered pursuant to section 815.9, including~~ the expense of a public defender, and the performance of a public service by an offender in an amount set by the court when the offender cannot reasonably pay all or part of the court costs including correctional fees approved pursuant to section 356.7, court-appointed ~~attorney's attorney~~ fees, ~~or ordered pursuant to section 815.9, including~~ the expense of a public defender.

Sec. 196. Section 910.2, Code 2001, is amended to read as follows:

910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY SENTENCING COURT.

In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, restitution to public agencies pursuant to section 321J.2, subsection 9, paragraph "b", court costs including correctional fees approved pursuant to section 356.7, court-appointed ~~attorney's attorney~~ fees ordered pursuant to section 815.9, including the expense of a public defender, when applicable, or contribution to a local anticrime organization. However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed ~~attorney's attorney~~ fees, ~~ordered pursuant to section 815.9, including~~ the expenses of a public defender, or contributions to a local anticrime organization are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed ~~attorney's attorney~~ fees, ~~or ordered pursuant to section 815.9, including~~ the expense of a public defender, and contribution to a local anticrime organization.

When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's attorney fees, ordered pursuant to section 815.9, including the expense of a public defender, or contribution to a local anticrime organization, the court may require the offender in lieu of that portion of the crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's attorney fees, ordered pursuant to section 815.9, including the expense of a public defender, or contribution to a local anticrime organization for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private nonprofit agency which provides a service to the youth, elderly, or poor of the community. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender which, for payment of court-appointed attorney's attorney fees or ordered pursuant to section 815.9, including the expenses of a public defender, shall be approximately equivalent in value to those costs. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Sec. 197. Section 910.3, Code 2001, is amended to read as follows:

910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

The county attorney shall prepare a statement of pecuniary damages to victims of the defendant and, if applicable, any award by the crime victim compensation program and expenses incurred by public agencies pursuant to section 321J.2, subsection 9, paragraph "b", and shall provide the statement to the presentence investigator or submit the statement to the court at the time of sentencing. The clerk of court shall prepare a statement of court-appointed attorney's attorney fees, ordered pursuant to section 815.9, including the expense of a public defender, and court costs including correctional fees claimed by a sheriff pursuant to section 356.7, which shall be provided to the presentence investigator or submitted to the court at the time of sentencing. If these statements are provided to the presentence investigator, they shall become a part of the presentence report. If pecuniary damage amounts are not available at the time of sentencing, the county attorney shall provide a statement of pecuniary damages incurred up to that time to the clerk of court. The statement shall be provided no later than thirty days after sentencing. If a defendant believes no person suffered pecuniary damages, the defendant shall so state. If the defendant has any mental or physical impairment which would limit or prohibit the performance of a public service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action. At the time of sentencing or at a later date to be determined by the court, the court shall set out the amount of restitution including the amount of public service to be performed as restitution and the persons to whom restitution must be paid. If the full amount of restitution cannot be determined at the time of sentencing, the court shall issue a temporary order determining a reasonable amount for restitution identified up to that time. At a later date as determined by the court, the court shall issue a permanent, supplemental order, setting the full amount of restitution. The court shall enter further supplemental orders, if necessary. These court orders shall be known as the plan of restitution.

Sec. 198. Section 910.9, unnumbered paragraph 3, Code 2001, is amended to read as follows:

Fines, penalties, and surcharges, crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees claimed by a sheriff pursuant to section 356.7, court-appointed attorney's attorney fees, and ordered pursuant to section 815.9, including the expenses for public defenders, shall not be withheld by the clerk of court until all victims have been paid in full. Payments to victims shall be made by the clerk of court at least quarterly. Payments by a clerk of court shall be made no later than the last business day of the quarter, but may be made more often at the discretion of the clerk of court. The clerk of court receiving final payment from an offender shall notify all victims that full restitution

has been made. Each office or individual charged with supervising an offender who is required to perform community service as full or partial restitution shall keep records to assure compliance with the portions of the plan of restitution and restitution plan of payment relating to community service and, when the offender has complied fully with the community service requirement, notify the sentencing court.

Sec. 199. Sections 444.25A, 444.25B, 444.26, and 444.27, Code 2001, are repealed.

Sec. 200. 2000 Iowa Acts, chapter 1148, section 1, is amended to read as follows:

SECTION 1. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

1. Chapters 6B, ~~10A~~, 11, 12B, ~~24~~, 35B, 43, 50, 62, 64, 65, 66, 69, 96, 99, ~~124C~~, ~~144~~, 147, ~~161A~~, 177A, 230, 257B, 306, 309, 311, 317, 321A, 347B, 353, 354, 357, 357C, ~~357D~~, ~~357E~~, ~~357F~~, ~~357G~~, 358, ~~358C~~, 359, 359A, 380, 384, 386, 420, ~~422~~, ~~424~~, ~~425~~, 426A, 428, 433, 434, 435, 436, 437, ~~437A~~, 438, 440, 441, 443, 444, 448, 449, ~~455I~~, 468, 556F, 557C, 558, 561, 595, 614, ~~and 658, and 717B~~, Code 1999 and Code Supplement 1999, are amended by adding the following new definition:

NEW DEFINITION. As used in this chapter, unless the context otherwise requires, “list”, “book”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. The Code editor is directed to ~~add the definition prescribed in subsection 1 to the definition sections of, for each chapter listed or, if a definition section does not exist, to create a definition section including the definition prescribed in subsection 1 for the chapter in the Code of Iowa, 2001.~~

Sec. 201. 2000 Iowa Acts, chapter 1148, is amended by adding the following new sections:

SEC. 1A. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

1. Sections 10A.101, 24.2, 124C.1, 144.1, 161A.3, 306.2, 309.1, 321A.1, 354.2, 357D.1, 357E.1, 357F.1, 357G.1, 358C.1, 386.1, 422.3, 424.2, 437.1, 437A.3, and 455I.1, Code 1999 and Code Supplement 1999, are amended by adding the following new definition:

NEW DEFINITION. “Book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. The Code editor is directed to add the definition prescribed in subsection 1 to the definitions in each section listed for the Code of Iowa, 2001.

SEC. 1B. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

1. Sections 425.11, 435.1, and 717B.1, Code 1999 and Code Supplement 1999, are amended by adding the following new definition:

NEW DEFINITION. Unless the context otherwise requires, “book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. The Code editor is directed to add the definition prescribed in subsection 1 to the definitions in each section listed for the Code of Iowa, 2001.

Sec. 202. 2000 Iowa Acts, chapter 1228, section 37, is amended to read as follows:

SEC. 37. 1991 Iowa Acts, chapter 169, section 9, as amended by 1996 Iowa Acts, chapter 1071, section 1, is repealed.

On or before December 15, 2000, the prevention of disabilities policy council shall submit a report to the governor and the general assembly providing findings and recommendations regarding the activities and duties of the ~~commission~~ council and the need for its continuation.

DIVISION III

Sec. 203. EFFECTIVE DATES.

1. The section of this Act amending section 14B.105, subsection 1, paragraph b, unnumbered paragraph 1, being deemed of immediate importance, takes effect upon enactment and applies retroactively to April 25, 2000.

2. The section of this Act amending section 714.16, subsection 2, paragraph n, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2000.

3. The section of this Act amending 2000 Iowa Acts, chapter 1228, section 37, being deemed of immediate importance, takes effect upon enactment and applies retroactively to May 17, 2000.

Approved April 22, 2002

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## CHAPTER 1120

### MENTAL HEALTH AND DEVELOPMENTAL DISABILITY SERVICES

H.F. 2416

**AN ACT** relating to mental health and developmental disability services requirements and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I WAIVER SERVICES

Section 1. Section 135C.6, subsection 8, Code 2001, is amended to read as follows:

8. ~~The following residential programs to which the department of human services applies accreditation, certification, or standards of review shall not be required to be licensed as a health care facility under this chapter:~~

a. ~~A residential program which provides~~ Residential programs providing care to not more than four individuals and ~~receives~~ receiving moneys appropriated to the department of human services under provisions of a federally approved home and community-based services waiver for persons with mental retardation or other medical assistance program under chapter 249A ~~shall not be required to be licensed as a health care facility under this chapter.~~ In approving a residential program under this ~~paragraph~~ subsection, the department of human services shall consider the geographic location of the program so as to avoid an overconcentration of such programs in an area. In order to be approved under this ~~paragraph~~ subsection, a residential program shall not be required to involve the conversion of a licensed residential care facility for persons with mental retardation.

b. ~~A total of forty residential care facilities for persons with mental retardation which are licensed to serve no more than five individuals may be authorized by the department of human services to convert to operation as a residential program under the provisions of a medical assistance home and community-based services waiver for persons with mental retardation. A converted residential program is subject to the conditions stated in paragraph "a" except that the program shall not serve more than five individuals. The department of human services shall allocate conversion authorizations to provide for eight conversions in each of the department's five service regions.~~

Sec. 2. Section 249A.20, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A provider reimbursed under section 249A.31 is not a noninstitutional health provider.